



Ontario
Home Builders'
Association

Land Use Planning and Appeals System Response to the Consultation Document

BILD
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Brantford
Chatham-Kent
Greater Dufferin
Durham Region
Grey-Bruce
Guelph & District
Haldimand-Norfolk
Haliburton County
Hamilton-Halton
Kingston-Frontenac
Lanark-Leeds
London
Niagara
North Bay & District
Greater Ottawa
Oxford County
Peterborough & the Kawarthas
Quinte
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Simcoe County
St. Thomas-Elgin
Stratford & Area
Sudbury & District
Thunder Bay
Waterloo Region
Greater Windsor



**Submitted to: Honourable Linda Jeffrey
Minister of Municipal Affairs and Housing
January 2014**

About OHBA

The Ontario Home Builders' Association (OHBA) is the voice of the new housing and professional renovation and land development industry in Ontario. OHBA represents over 4,000 member companies, organized through a network of 31 local associations across the province. Our membership is made up of all disciplines involved in land development and residential construction including: builders, renovators, trade contractors, manufacturers, consultants and suppliers. The residential construction industry employed over 322,000 people and contributed over \$43 billion to the province's economy in 2012.

OHBA is committed to improving new housing affordability and choice for Ontario's new home purchasers and renovation consumers by positively impacting provincial legislation, regulation and policy that affect the industry. Our comprehensive examination of issues and recommendations are guided by the recognition that choice and affordability must be balanced with broader social, economic and environmental issues.

OHBA members are critical partners to the Provincial Government and municipalities in the creation of complete communities and transit-oriented development that will support the implementation of the Provincial Policy Statement and other Provincial Plans.

Acknowledgements

OHBA would like to take this opportunity to thank Leith Moore and Neil Rodgers, Co-Chairs of the OHBA Committee for the *Land Use Planning and Appeal System* consultation, in addition to the numerous members from across Ontario who shared their extensive knowledge and expertise, and submitted invaluable comments in support of this report. OHBA would also like to thank the BILD Executive and staff for their substantial contributions to the writing and research in support of this report.















Process of Our Review

In an effort to prepare a comprehensive response to the *Land Use Planning and Appeals System* in Ontario, the Ontario Home Builders' Association solicited the feedback of its local associations. Several meetings took place over the course of the consultation period to obtain the feedback that is consolidated in this document, including:

- September 24th - OHBA Annual Conference (Niagara Falls) – Fighting for Affordability and Fairness
- November 8th - BILD Land Council meeting
- November 18th - Waterloo Region Home Builders' Association consultation meeting
- November 19th - Hamilton-Halton Home Builders' Association consultation meeting
- November 29th - London Home Builders' Association consultation meeting
- December 9th - Greater Ottawa Home Builders' Association consultation meeting
- December 12th - OHBA/BILD Consultation Steering Committee meeting
- December 16th - OHBA/BILD Consultation Steering Committee meeting

In addition to these association meetings, a number of working group meetings were held with industry representatives on specific policy themes.

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Introduction and Background

Over the past decade the land use planning system has significantly evolved, and in response the land development and residential construction industry has evolved with it. Since 2001, the province has implemented significant reforms to the land use planning system, including the Ontario Municipal Board (“OMB”), through the *Strong Communities Act* (Bill 26) and *Planning and Conservation Land Statute Amendment Act* (Bill 51) which strengthened the local decision-making process, while also empowering municipalities with a range of planning tools. Along with these significant legislative changes the province also implemented several pieces of landmark legislation, plans and/or policies. The cumulative impacts of these changes are noteworthy and the result is that the new communities and employment centres being approved and built in Ontario today are vastly different from those a decade ago.

While the province has been engaged in legislative, regulatory and policy changes to the land use planning system, it is OHBA’s opinion that there is a lack of fair and consistent application in the implementation and interpretation of provincial planning policy through municipal planning documents across Ontario. OHBA and its members are very concerned that Ontario no longer has a land use planning system that affords certainty which is paramount to ensuring investment-ready communities necessary to compete for new global investments or changing economic forces.

In order to contribute to the continued economic vitality of the province, the land development, new housing and professional renovation industry must operate within a framework that provides certainty and establishes clear and consistent rules for development in determining how our communities evolve. This certainty also serves the existing residents by providing them with clear and consistent reasons as to evolving nature of their community. It is essential that municipalities ensure local Official Plans (“OP’s”) and zoning by-laws are up-to-date as an effective implementation vehicle for provincial planning policy. Progressive and current municipal zoning by-laws will provide greater certainty resulting in fewer appeals to the OMB, increase public awareness and ensure a more efficient planning system that supports provincial goals for strong communities, a strong economy and a healthy environment. Municipalities must make greater use of the planning tools in the *Planning Act*, and complimentary legislation in conjunction with updated planning documents, to ensure the best possible planning outcomes in the development of strong and complete communities.

OHBA contends that a land use planning policy disconnect has emerged between the province and many municipalities. This disconnect is partly responsible for implementation delays (*Places to Grow* OP conformity) and in some circumstances, OMB appeals. Closing the gap and ensuring a better alignment between provincial land use planning policy and municipal planning implementation tools will emerge as a major theme within OHBA’s recommendations.

OHBA expects the province and municipalities to demonstrate stronger leadership to ensure effective implementation of provincial policy. Finally, the province must lead the conversation and educate municipalities and the public with respect to how provincial planning policies and objectives will impact their existing communities and neighbourhoods so that residents are engaged and informed as why their communities are evolving.

OHBA Priority Recommendations

- The province must ensure that municipal planning documents are adopted/approved in accordance with the *Planning Act*, PPS and (if applicable) Provincial Plans.
- Prior to the next Growth Plan review the province must establish, in conjunction with OHBA and municipal sector:
 1. standardized population projections/forecasts;
 2. land budget methodologies that are also consistent with the PPS and Provincial Plans, while allowing for local flexibility to reflect Ontario's diverse communities;
 3. employment land use policies.
- The province should encourage reviews of municipal OP's and zoning by-laws to run concurrently to facilitate meeting statutory timelines.
- Municipal planning documents must align with provincial long-term infrastructure transit investments.
- Municipal planning documents that are not in conformity with Provincial Plans and/or the PPS and that do not support "as-of-right" transit-oriented development should not be entitled to receive provincial funding for construction of higher-order transit lines.
- To reduce the frequency of amendments, municipal OP policies should not be overly prescriptive or restrictive.
- The province must clearly differentiate pre-consultation requirements between the landowner and municipality vs. public engagement between the public/municipality and the landowner.
- Appeals of entire OP's and zoning by-laws should not be limited in anyway. OHBA is prepared to consider improvements to the current system that would require appellants to scope appeals at the time of filing a notice of appeal.
- The existing timelines that a municipal council must make a planning decision imposed pursuant to the *Strong Communities Act, 2004* should be maintained.
- The province should undertake the strategic initiative to implement a DPS along a major infrastructure corridor or strategically important employment node to facilitate investment ready communities.
- Municipalities should only be allowed to access Section 37 when a municipality has established a development permit system or has updated their OP and zoning to be consistent with provincial policy within the timeframes established by the *Planning Act*.
- Applicants should retain the right of appeal to the OMB for Committee of Adjustment matters including minor variances and consents.
- The province should not consider granting an expanded scope of powers to Local Appeal Bodies until there is operational experience in place within Ontario municipalities.
- Pre-submission consultation (landowner and municipality) for many applications should be encouraged, but should not become a statutory requirement.
- Municipalities should be required to respond to a request for pre-consultation within a defined and timely manner particularly where pre-consultation is a pre-requisite in meeting complete application requirements. Furthermore, municipalities should be prohibited from charging a fee for pre-consultation.
- The Office of the Provincial Development Facilitator should receive additional resources and report directly to Cabinet.
- Provincial land use planning should be consistent with long-term infrastructure planning and as such the province must extend the current 20-year planning horizon in the PPS to align with longer infrastructure planning timeframes and better inform long-term land use in municipal OPs.
- Appeals of entire OP's and zoning by-laws should not be limited and the current appeal permissions continue to apply.

Ontario's Planning Framework

The *Planning Act* provides the legislative framework for land use planning in Ontario working together with the *Provincial Policy Statement (PPS)*, provincial plans and other legislation. The PPS, issued under the *Planning Act*, is the statement of the provincial interest in land use planning while recognizing the diversity of Ontario. Provincial plans apply to certain areas of the province and provide specific direction that generally takes precedence over the PPS.

ONTARIO'S LAND USE PLANNING SYSTEM



Source: Ministry of Municipal Affairs and Housing

Implementation of the PPS is set out through the *Planning Act*, which requires that decisions on land use planning matters made by municipalities, the province, the Ontario Municipal Board and other decision-makers “shall be consistent with” the PPS. Municipalities are tasked with implementing the PPS through policies in their OP’s and through decisions on other planning matters. It is critical that municipalities maintain up-to-date OP’s and zoning by-laws to effectively and efficiently implement provincial policy. OHBA recommends the province take a more pro-active and assertive role to ensure municipal OP’s by-laws are consistent with, and conform to, provincial planning policy as required by the *Planning Act* and/or Provincial Plans where applicable.

Recent Reforms to Ontario's Planning Framework

Since 2001, Ontario's land use planning framework has evolved significantly and consequentially the land development and new housing industry has undergone a fundamental paradigm shift. The legislation, Provincial Plans and policy introduced since 2001 with direct impact on the land development, new housing and the professional renovation industry are as follows:

- *Made in Ontario Smart Growth (2001)*
- *Oak Ridges Moraine Protection Act (2001)*
- *The Brownfields Statute Law Amendment Act (2001)*
- *Strong Communities (Planning Amendment) Act, Bill 26 (2004)*
- *Greenbelt Act & Greenbelt Plan (2005)*
- *Provincial Policy Statement (2005)*

- *Planning and Conservation Land Statute Law Amendment Act, Bill 51 (2006)*
- *Places to Grow Act & The Growth Plan for the Greater Golden Horseshoe (2006)*
- *Endangered Species Act (2007)*
- *Metrolinx Act (2006) & The Big Move Regional Transportation Plan (2008)*
- *Lake Simcoe Protection Plan (2009)*
- *Growth Plan for Northern Ontario (2011)*
- *Strong Communities Through Affordable Housing Act (Schedule 2) (2011)*
- *Transit Supportive Guidelines (2012)*
- *Growth Plan Amendment 1 (2012) & Growth Plan Amendment 2 (2013)*
- *Greenbelt Amendment 1 (2013)*

In the immediate future a number of other land use planning related reforms and reviews are anticipated:

- *Next edition of the Provincial Policy Statement (2014)*
- *Greenbelt / Oak Ridges Moraine / Niagara Escarpment Plan (2015)*
- *Growth Plan (2016)*
- *Big Move, Regional Transportation Plan (2018)*

OHBA notes that in both 2004 and 2006, reforms were made to the scope of appeals and to the function of the OMB as well as the broader planning framework to further enhance municipal decision making as “mature levels of government”. These reforms were substantive and, at the time, OHBA supported some of the amendments, while expressing concerns that some of the proposed reforms would bring uncertainty to the approvals process and would, ultimately, both lengthen timelines and increase the costs of the planning process. OHBA contends that, while some of the Bill 26 and Bill 51 reforms were positive improvements, many of those changes have contributed to increasing the length, cost and complexity of the planning process. OHBA is supportive of the provincial leadership role within the planning framework, but remains concerned that many municipalities continue to have outdated OP’s and zoning by-laws in effect that do not conform to provincial plans.

The province’s lack of oversight in ensuring the planning system is functioning properly now requires immediate attention – not by more legislation but through administrative attention.

OHBA notes that substantive changes to the planning and appeals process occurred when the *Strong Communities Act* (Bill 26) was passed in 2004 including:

- Limited appeals to the OMB
- Declaration of provincial interest
- Increased timelines for municipal planning decisions

OHBA notes that substantive changes to the planning and appeals process occurred when the *Planning and Conservation Land Statute Law Amendment Act* (Bill 51) was passed in 2006 including:

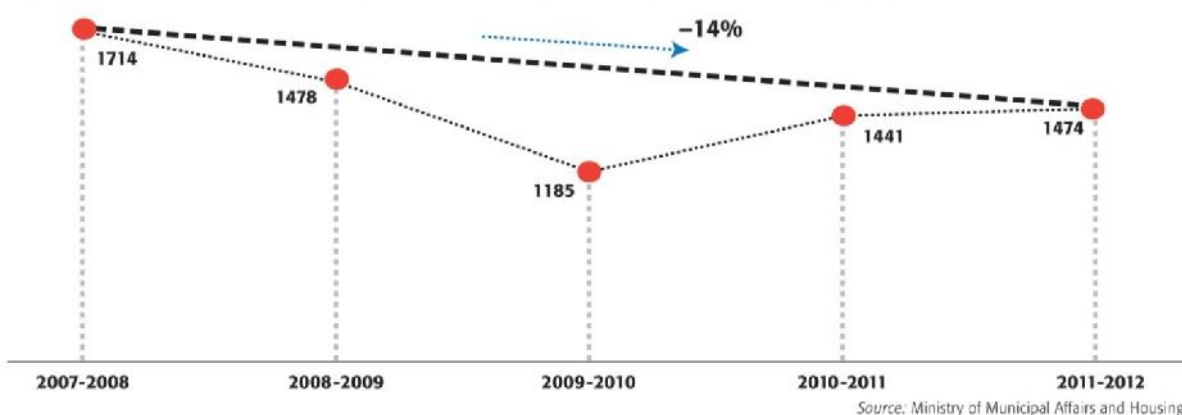
- Enhanced public notification
- Established pre-consultation process for planning applications
- Established complete application timelines and requirements for planning proponents
- Established a complete application requirement
- Established new appeal timelines based on an application being deemed “complete”
- Required updated municipal planning documents (Official Plan five-year review/zoning three years after)

- Restricted material to the board so that new information presented as evidence at the OMB could be required to be sent back to municipal council for review
- Dismissed repeat applications of similar request
- Restricted OMB jurisdiction:
 - Removed right-of-appeal on a council’s decision to refuse OPA or ZBA applications respecting the removal of land from “an area of employment”;
 - Removed right-of-appeal on a council’s decision to allow a second residential unit in certain low density house forms;
 - Removed right-of-appeal for those who did not participate during the planning process and council’s decision.
- Preserved appeal rights
- Restricted parties to an OMB hearing to those that made written or oral submissions to council prior to the decision being made
- Allow dismissal without a hearing for an application to which the appeal is substantially different from the application that was before council
- Established that the OMB had to “have regard” for local decisions as well as supporting information/materials that were considered by council in making its decision
- Allowed for the establishment of Local Appeal Bodies (LABs)
- Restricted OMB’s modification powers respecting OP’s and official plan amendments
- New powers to enact advanced land use planning tools to consider architectural features, innovative technologies and sustainable design

These reforms responded to a number of municipal requests to limit and constrain the role of the OMB in the land use planning process. Furthermore, these reforms provided municipalities with a new set of tools, including clear requirements for information and consultation at the front-end of the planning process in an effort to enhance greater public engagement in land use planning and facilitate better decision making by municipal elected officials.

These reforms have supported greater municipal leadership in resolving issues and making land use planning decisions. As the chart below illustrates, it appears that these reforms have resulted in a decrease in the total caseload of appeals to the OMB. However, OHBA is concerned that the increasing level of complexity and layering within the Ontario’s planning framework has slowed down the planning process and resulted in a reduction in the number of applications working their way through the planning process.

BOARD STATISTICS - Planning Act - Files Received by the Ontario Municipal Board



Role of the OMB in Ontario’s Public Planning Process

OHBA strongly supports the role of the OMB as the essential impartial, evidence-based, quasi-judicial administrative tribunal that is responsible for handling appeals of land use planning disputes. In this administrative authority the OMB serves to ensure that provincial land use policies and objectives are achieved and is a critical component to ensuring that consistency is applied in the application and of the implementation of the Planning Act, the *Provincial Policy Statement*, Provincial Plans and related land use legislation.

It is important to note that decisions made by the OMB are based on planning evidence provided by expert witnesses which ensures that long-term public policy objectives, rather than short-term political judgments, are observed. OHBA notes that without an independent tribunal that specializes in planning law, many land use related disputes could end up in the court system where there is not the same level of expertise, which may lead to inconsistent and unpredictable results that are not in the public interest. Furthermore, the existence of an informed tribunal to adjudicate planning appeals has a positive role in focusing the work of professional public sector practitioners to work within the planning regime with integrity

Contrary to the popular media perception that the OMB most often sides with developers, independent research by Aaron A. Moore (Institute on Municipal Finance and Governance, Munk School of Global Affairs, Cities Centre, University of Toronto) found that the OMB bias most often favours expert testimony of municipal planners as they are considered to have greater autonomy than their private-sector counterparts. This is why the professional opinions of municipal planners are a critical component to the decision making process. The role of the OMB is also to assess and ensure accountability in the local decision-making process.

“While the OMB does decide on occasion in favour of developers despite city planner’s objections, the city fares much better when opposing development city planners reject. In addition, the city fares horribly when city planners support a development it [city council] opposes,” (Planning and Politics in Toronto, Aaron A. Moore).

This provides considerable value to the public good because decisions made by the OMB are an important counterbalance to the oftentimes local political sentiments of councils. The OMB provides a forum where the principles of fairness, quality, consistency, and transparency are fundamental, and the provision of administrative justice is the first and last order of business.

OHBA acknowledges, accepts and supports the province’s declaration that the role, operation and function of the OMB are not part of this consultation. That said, in order to achieve other desired policy objectives arising from some of the questions posed by the government, we are of the opinion that certain “reforms” to the Board’s operating structure, procedural policies and the role of minor variances and decisions arising from Committee of Adjustment (C of A) hearings may result in positive measures to assist the land use planning system in Ontario as a whole.

Theme A: Achieving more predictability, transparency and accountability in the planning/appeal process and reducing costs

While municipalities are required to update their OP's on a five-year basis and zoning by-laws within three years of an OP update, OHBA is concerned planning documents, especially zoning by-laws, generally remain out-of-date (Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2006* amended Section 26 of the *Planning Act* to require regular updates to OPs and all zoning by-laws). OHBA is of the view that the province must assume greater oversight in ensuring that municipalities are meeting this legislative requirement. The lack of oversight is causing a disconnect between planning documents, leading to inconsistent decision-making at the municipal level and in many cases, particularly in rapidly growing communities, a failure of meeting provincial policy objectives.

The policy disconnect (Provincial Plans/PPS/municipal OP's) is magnified particularly with outdated zoning by-laws, resulting in many unnecessary zoning amendment applications and preventable OMB appeals. For example the province's largest municipality recently harmonized zoning by-laws in the now amalgamated city, but did not equally prioritize the important opportunity to modernize decades old zoning to bring regulations into conformity with the new OP and provincial policy. In maintaining an antiquated zoning system, many municipalities create unrealistic public expectations of uses, height and density. This "false expectation" leads to an inefficient use of scarce public resources (time and expense) and creates an uncertain public planning process, pitting development interests, who are attempting to deliver provincial policy or Provincial Plan expectations, with elected officials and existing residents who identify outdated zoning as the defense to maintaining the "status quo" thus avoiding the difficult discussion on the evolving nature of communities.

Question 1: How can communities keep planning documents, including OP's, zoning by-laws and development permit systems (if in place), more up-to-date?

Communities can keep local planning documents up-to-date by adhering to the *Planning Act*, *Provincial Policy Statement* and Provincial Plans which all have clear goals, objectives, timeframes and targets. OHBA is concerned that some municipal councils do not appear to be interested or perhaps "motivated" in conforming to provincial policy and often politicize applications or the requirements to realistically plan for future residents and employment centres (industrial, commercial and major retail).

Municipalities could consider an iterative approach, where its planning policy documents are updated on a constant basis and incrementally from the last approval, (i.e. if there are multiple OP amendments occurring that pertain to one aspect of the document such as density, or height restrictions those municipal documents could undergo a "mini review" of those particular policies, but without making fundamental or significant changes to the direction of the document/vision/policy). This would essentially adopt a "living document" and evolution of the policies rather than leaving the entire plan as a static document until the next review is required.

Recommendations:

- Where a municipality has not updated its OP and zoning by-laws within the required provincial timeframe in section 26 of the *Planning Act*, the *Planning Act* or related legislation should be amended to prohibit municipalities from utilizing or imposing planning and fiscal tool privileges (i.e. Section 37 agreements or parkland dedication contributions).
- The province must ensure that municipal planning documents are adopted/approved in accordance with the *Planning Act*, PPS and (if applicable) Provincial Plans.

- Prior to the next Growth Plan review the province must establish, in conjunction with OHBA and municipal sector:
 - standardized population projections/forecasts;
 - land budget methodologies that are also consistent with the PPS and Provincial Plans, while allowing for local flexibility to reflect Ontario’s diverse communities;
 - employment land use policies ;
- The province should encourage reviews of municipal OP’s and zoning by-laws to run concurrently to facilitate meeting statutory timelines;
- Utilize enhanced technological resources such as GIS.

Question 2: Should the planning system provide incentives to encourage communities to keep their OP’s and zoning by-laws up-to-date to be consistent with provincial policies and priorities, and conform/not conflict with plans? If so, how?

Is the question one of incentives or the failure of a provincially-led planning system that requires planning documents to be in conformity with provincial plans, policies, etc.?

OHBA is supportive of the provincial requirement to ensure that OP’s and zoning by-laws are updated in a timely fashion as required by Section 26 of the *Planning Act* and, in doing, so providing full disclosure to the public so all stakeholders understand the rules governing proposed development. OHBA supports statements in the draft *Provincial Policy Statement* requiring municipalities to update their zoning by-laws within three years of the adoption of an OP.

Furthermore, OP’s must provide transparency to residents regarding the classification of lands (i.e. open space classification on private lands that may be developed) to ensure appropriate disclosure as to how communities may evolve in the future. One of the most significant barriers to intensification is archaic municipal OP’s and zoning by-laws which ratepayer groups often use against intensification related development. Furthermore, other provincial priorities such as the provision of affordable housing and purpose built rental housing typically face local opposition through the outdated rezoning process. Despite current policies (*Planning Act*, Section 26) stating that municipal OP’s and zoning be kept up-to-date with provincial policy, some municipalities continue to maintain outdated implementation documents – in some cases decades out-of-date.

Furthermore, OHBA contends that some municipalities *intentionally* maintain zoning standards (i.e. height and density) for the specific purpose of leveraging maximum financial benefits and contributions from developer/builders. This “practice” is outside of the “spirit and intent” of the provincial planning policy framework, directing growth to achieve generally higher densities. OHBA believes that exchanging benefits through Section 37 of the *Planning Act* as the currency to achieve the desired urban form planned under the provincial legislative framework works at cross-purposes with intensification efforts. The province must provide greater oversight and assert a stronger role ensuring municipal planning documents are up-to-date and in conformity with provincial policy. Simply said, the province must stand behind the *Planning Act* and the PPS and act accordingly.

OHBA notes that the Ministry of Finance must address the method in which MPAC assesses properties that have been pre-zoned for higher densities. Property assessment should be based on the current use rather than the potential use, otherwise the current system of property tax assessment effectively acts as a disincentive for investment ready communities. The province has launched a *Special Purpose Business Property Assessment Review* and OHBA believes there is an opportunity to establish this principle moving forward.

When conflicts have been presented to the province regarding the implementation or interpretation of provincial policy by municipalities, the province identifies the OMB as the appropriate venue to adjudicate the dispute. This response has only served to create more tension and delays in the land use planning system.

Examples of existing out-of-date zoning maximum heights vs what was approved in high density communities					
Burano (Toronto)	Approved 160m	Zoning 61m	880 Bay St. (Toronto)	Approved 175m	Zoning 30m
Aura (Toronto)	Approved 272m	Zoning range 20m – 92m	Casa II (Toronto)	Approved 187m	Zoning 30m
Strata (Burlington)	Approved 21 storeys	Zoning allowed 8 storeys	Sunningdale (London)	Approved 14 storeys	Zoning allowed 4 storeys

Recommendations:

- If municipalities fail to update planning implementation documents to be in conformity with provincial policy within a prescribed timeframe, those municipalities should lose certain planning and fiscal tool privileges (i.e. Section 37 of the *Planning Act* would be revoked).
- Municipal planning documents that are not in conformity with Provincial Plans and/or the PPS and that do not support “as-of-right” transit-oriented development should not be entitled to receive provincial funding for construction of higher-order transit lines.
- Municipal planning documents must align with provincial long-term infrastructure transit investments. Therefore, municipalities should only be allowed to update their Development Charges by-laws if their local planning documents are up-to-date and in conformity with provincial policy.
- If an OP is up-to-date and conforms with provincial policy it should override out-of-date zoning by-laws. This would both encourage municipalities to update their zoning while reducing zoning by-law amendment applications (and therefore appeals) for projects that conform to provincial policy and the OP, yet do not conform with outdated zoning.

Question 3: Is the frequency of changes or amendments to planning documents a problem? If yes, should amendments to planning documents only be allowed within specific timeframes? If so, what is reasonable?

The frequency of amendments to municipal planning documents and related appeals to the OMB are the result of the disconnect within the land use planning system. A key contributor to this disconnect is outdated zoning which undermines the ability to create investment-ready communities. This disconnect creates unnecessary friction within the planning system which is costly and time-consuming for both the public and private sector.

OHBA is supportive of a planning regime across the province that creates and supports modern and up-to-date municipal planning documents that are consistent with provincial policy. OHBA is confident that this effort will deliver greater certainty, transparency and predictability for municipalities, the established community and the development industry.

OHBA recognizes the need for some degree of flexibility in the land use planning system to recognize local circumstances, allow for local decision making and the ability to address emerging issues and local economic development initiatives. If limitations were placed on the ability to amend zoning by-laws or OP’s within a specific timeframe after those plans are approved the unintended consequence would be to encourage more appeals to entire OP’s and zoning by-laws. Therefore, limits to applications for amendment should not be considered as that could increase some appeals and reduce opportunities for investment that still meet the intent of provincial policy.

OPs should be strategic and outcome-based and establish a vision for the long-term complete community structure of the region/municipality factoring in all major issues such as land use, servicing, transportation, community and social services. In recent years, the development industry has witnessed municipalities trying to

deliver long-term strategic objectives with complex and prescriptive policies, which are better applied through secondary plans, zoning or site plan approvals.

Recommendations:

- The provincial government ensure that local planning implementation documents be consistent with provincial policy, while remaining flexible to appropriate amendments.
- To reduce the frequency of amendments, municipal OP policies should not be overly prescriptive or restrictive.

Question 4: What barriers or obstacles may need to be addressed to promote more collaboration and information sharing between applicants, municipalities and the public?

Implementing a shift towards web-based submissions/planning applications would allow for broader resource sharing amongst the general public and other government agencies. Assuming the expectations are reasonable and user-friendly, this could substantially assist in the flow of information, sharing of ideas and offer constructive advice towards achieving support for the intended development. That said, OHBA only supports the public posting of information/reports related to the application (OP, zoning by-law and plan of subdivision) once the application has been deemed complete by the municipality. OHBA remains cautious that the availability of more information to the public without context could result in the misinterpretation of some information. OHBA also recognizes that electronic submissions and public postings may not be possible in some remote northern and rural communities that do not have access to high speed internet. In recognizing the diversity of the province, the capacity issues of municipalities, OHBA submits that this idea is perhaps better suited towards establishing a municipal best practices as opposed to a legislative requirement.

OHBA believes that, in general, the pre-consultation process is working well and does promote greater collaboration and discussion between the applicant and municipality. The industry generally makes a strong effort for early engagement both with municipalities and local communities. However, OHBA is concerned by the lack of municipal uptake of this planning tool [33 per cent of municipal/planning boards – July 2011, source: MMAH]. Pre-consultation should be a desired protocol, but not a legislated practice/requirement.

Public open house requirements also encourage greater dialogue between applicants, municipalities and the public. OHBA believes this requirement has had mixed results with some situations leading to greater understanding between stakeholders and better outcomes, while other consultation opportunities have resulted in another forum for NIMBY opposition. Greater public education regarding the planning process as well as provincial planning policies should be encouraged at the provincial and local level. Meaningful and respectful consultation, where public participants better understand the process and scope of what is on the table for discussion, will lead to better planning outcomes.

Furthermore, municipalities must educate and engage residents regarding the planning rationale supporting OP's and zoning by-law reviews, and support those final OP and zoning decisions by informing the existing community of how their communities will evolve so that no resident is surprised by new developments in their neighbourhoods. Residents have a right to know why their communities are evolving as well as how new neighbours and businesses will be accommodated in their neighbourhoods.

Recommendations:

- Municipalities should move away from paper-based submissions to web accessible e-submissions.

- Municipalities should enhance public notification and engagement utilizing a variety of communication mediums, both during and after the OP and zoning by-law review period, to notify existing residents of the decisions that will shape how their community will evolve.
- The province must clearly differentiate pre-consultation requirements between the landowner and municipality vs. public engagement between the public/municipality and the landowner

Question 5: Should steps be taken to limit appeals of entire Official Plans and zoning by-laws? If so, what steps would be reasonable?

OHBA strongly supports maintaining existing appeal rights under the *Planning Act*. Such measures are a fundamental principle of the land use planning system in the province and should not be limited. Our reasons for this are that, sometimes the overarching policy or document is flawed and appeals to the entire OP are a reflection of broader stakeholder concerns. A multitude of appeals usually signal that fundamental principles/assumptions of a policy or policies require a broader evidence-based review.

While existing appeal rights for appealing whole or partial OPs and zoning by-laws should be maintained, OHBA would be prepared to consider, in consultation with the government, means by which applicants could scope the reasons and issues related to their appeals. Currently, the appeal system and the OMB procedures and protocols ultimately require appellants to scope their appeals typically during the pre-hearing process. It may be entirely reasonable to require that this be done at the time the applicant files their notice of appeal. This recommendation maintains appeal rights, but does offer clarity for the reasons of an appeal which may facilitate potential resolution of disputed matters reducing the time and costs for all participants.

Recommendations:

- Appeals of entire OP's and zoning by-laws should not be limited in anyway. OHBA is prepared to consider improvements to the current system that would require appellants to scope appeals at the time of filing a notice of appeal.

Question 6: How can these kinds of additional appeals be addressed? Should there be a time limit on appeals resulting from a council not making a decision?

The land use planning process is provincially led and municipally implemented, yet there are many occasions where municipalities fail to make a decision within the prescribed timelines of the *Planning Act*. It is essential to maintain existing timeline requirements to put tension in the system and to ensure that planning applications are reviewed and dealt with promptly.

OHBA submits that through the *Strong Communities Act* (Bill 26), municipalities were provided with extended timelines to make decisions without the prospect of an appeal. In 2004, the *Strong Communities Act* (Bill 26) increased the time allowed for planning authorities to decide on planning applications after it has been accepted by the municipality as a complete application as follows:

- OP amendments extended from 90 days to 180 days
- Zoning by-law amendments and holding by-laws extended from 90 days to 120 days
- Subdivisions and condominiums extended from 90 days to 180 days
- Consents to sever property extended from 60 days to 90 days

We cannot support additional time for a municipality to make a decision on a planning matter. Furthermore, there is no assurance that such additional time would result in a decision – we simply do not have confidence that municipalities would not use the additional time for further delay rather than to achieve a better outcome.

Recommendations:

- The existing timelines that a municipal council must make a planning decision imposed pursuant to the *Strong Communities Act, 2004* should be maintained.

Question 7: Should there be additional consequences if no decision is made in the prescribed timeline?

It is the submission of OHBA that in failing to make a decision, municipalities are put in the position where the consequence of that failure is that they will have to defend their position at the OMB.

Planning applications take an enormous amount of time to prepare, review and approve. Both greenfield and intensification proposals involve years of research and considerable resources. Furthermore, complete application and pre-consultation requirements by municipalities require significant supporting documentation and resources early in the review process. When no decision is made, it is frustrating to local communities and unfair to the applicant. Greater efforts should be made to reduce the frequency of non-decisions.

Question 8: What barriers or obstacles need to be addressed for communities to implement the development permit system?

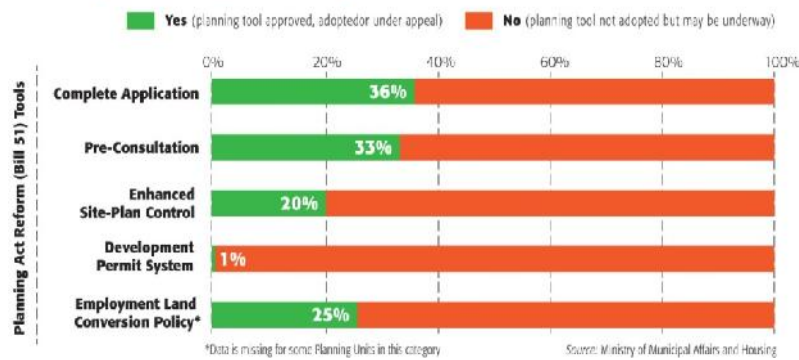
The Development Permit System (DPS) offers an innovative alternative to the re-zoning approval process. Yet despite the many benefits to create a more effective and efficient planning process, municipalities have not taken advantage of this alternative, notwithstanding numerous attempts by the province to encourage its use. A DPS would facilitate certainty for OHBA members and both existing and future residents of the land use vision and zoning standards of the municipalities. OHBA strongly supports the implementation of a DPS to provide enhanced certainty, streamlined approvals and a means to create investment ready communities across Ontario.

To that end, we observe and recognize that many municipal staff and elected officials lack practical experience to implement it effectively. OHBA also firmly believes many local politicians may be reluctant to implement a DPS since they would lose control of daily local planning issues on a site-by-site basis. Since land use planning continues to be one of the most visible levers that local politicians have to respond to voters within their local community, and a well operated and administered DPS relies on delegated staff approval, this represents a quantum shift in how Ontario municipalities have historically functioned. The implementation of a DPS may also not be financially attractive to some municipalities, who in our respectful opinion intentionally under-zone lands to extract and maximize financial benefits (e.g. Section 37) during the approvals process.

The current DPS structure is intended as a “wholesale replacement” for existing zoning. However, if the DPS could be simplified to co-exist with existing zoning, and be applied in specific circumstances (perhaps for strategic means such as transit corridors; re-investment areas or employment nodes), we submit it would be more effective and used more broadly to support economic development and investment ready communities.

As currently formulated, the development permit by-law must include operational concepts such as the manner in which notice is given, permit review procedures, and the scope of delegated authorities (not the delegation itself). This is in addition to the land use and built-form parameters like height, setbacks and other typical standards regulating the use. The weight of these conceptual policies and the fact that a DP by-law completely replaces traditional zoning makes it a very *heavy* system to implement up-front. These more high level concepts seem more appropriate for the OP, and even more so because subsection 3(1) of O.Reg. 608/06 already requires the OP to contain development permit policies of a similar nature.

UPTAKE OF PLANNING TOOLS - State of Land Use Planning in Ontario (July 2011)
 Total Planning Units (Municipalities/Planning Boards = 471)



Moving these policies to the OP focuses the development permit by-law on land use and built-form, greatly simplifying it for decision makers and the general public. It would put the DPS on a more tactical footing. Policies related to bonusing, in particular those setting a proportional relationship between facilities and money received in exchange for density and height (as demanded in subsection 4(6)(c) of O.Reg. 608/06), should also be moved to the OP.

Sites zoned as a Development Permit Zone (DPZ) would be regulated by a site or area specific development permit by-law. This would be similar to the CD (Comprehensive Development) zone in Vancouver or similar planned development zones in other jurisdictions. Buildings, structures or site alteration within a DPZ zone must address the development permit by-law, which would include design-oriented and positively formulated criteria rather than negative constraints such as “less than” or “a maximum of”. Projects would proceed by way of an administrative development permit.

The beneficial features of the DPS would be maintained, and applied more surgically. Namely, a range of permissible variation, conditional provisions, and a degree of oversight over architecture and urban design, all effected administratively rather than legislatively, meanwhile combining existing related, but loosely integrated, processes. The investment to implement the system in municipal time and staffing costs would be reduced.

The DPS as it stands requires more rigorous policies to implement bonusing, and is better suited to regulate how the bonus density and height is deployed (Section 37). It also provides a path to depoliticize deal-making. Using it would address the need to improve transparency, consistency and accountability around bonusing. Municipalities, developers and the public would experience greater certainty if these reforms were implemented. The perverse incentive to keep density and height artificially low to trigger Section 37 would be gone, allowing more land to be pre-zoned consistent with intensification goals of the PPS and other Provincial Plans. Finally, removing Section 37 from traditional zoning is also a “stick” to encourage municipalities to move toward a DPS.

OHBA acknowledges the numerous sessions that MMAH have led at various AMO conferences on the DPS concept, along with their efforts to outreach to key municipalities with additional staff support to encourage use of this valuable planning approach. With less than one per cent of all municipalities taking advantage of this planning tool to date, OHBA believes that municipalities missed an opportunity to better align their planning, infrastructure and economic plans and creating investment ready communities. OHBA will continue to encourage the province to promote and support the DPS as a valuable planning tool for municipalities to implement.

The implementation of a DPS also provides the existing residents with clear planning rationale and certainty as to how their community will evolve in the future.

Recommendations:

- The province should undertake the strategic initiative to implement a DPS along a major infrastructure corridor or strategically important employment node to facilitate investment ready communities.
- Move the more conceptual policies listed in subsection 4(2) and 4(3) of O.Reg 608/06 into the OP.

- Allow existing zoning to continue while providing for a new tactical “Development Permit Zone” (DPZ). Sites could then be rezoned to “DPZ”. Revise subsection 9(3) of O.Reg 608/06 to maintain existing by-laws passed under Section 34 of the *Act* unless specific provisions are superseded by a development permit by-law.
- Municipalities should only be allowed to access Section 37 when a municipality has established a development permit system or has updated their OP and zoning to be consistent with provincial policy within the timeframes established by the *Planning Act*.

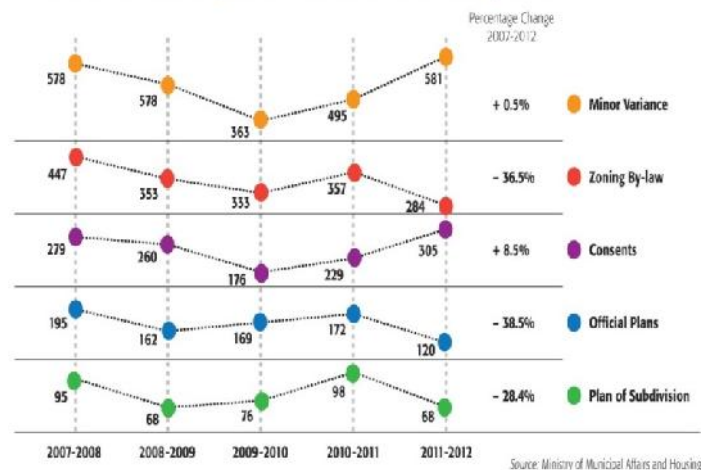
Theme B: Support greater municipal leadership in resolving issues and making land use planning decisions

Provincial planning reforms through the *Planning and Conservation Statute Land Amendment Act* (Bill 51) empowered municipalities with greater planning autonomy, while allowing for longer timeframes for public participation and municipal review. OHBA contends that such changes to the planning system have resulted in better municipal decision making, greater public participation in the system, enhanced reporting and disclosure of project information and fewer appeals to the OMB. However, despite these legislative reforms, the perception and debate amongst municipal and public stakeholders persist that the OMB is involved in too many cases and has become too costly/complex for meaningful participation by citizens/ratepayer groups. OHBA believes that there are a number of systemic improvements that can implement to support more collaboration between participants in the planning system while ensuring an equitable appeals process.

Question 9: How can better cooperation and collaboration be fostered between municipalities, community groups and property owners/developers to resolve land use planning tensions locally?

Development brings change to a community and sometimes that change leads to adversarial positions amongst the applicant, the community and Council. Since the implementation of Bill 51, which places a greater emphasis on resolving issues at the front-end of the planning process, there have been fewer appeals to the OMB due to more cooperation and collaboration to resolve land use planning tensions locally. Since 2007, zoning by-law appeals have dropped by 36.5 per cent, OP amendment appeals have dropped by 38.5 per cent and plan of subdivision appeals have dropped by 28.4 per cent.

BOARD STATISTICS - Planning Act - File Intake at the Ontario Municipal Board



OHBA notes councillors and community groups need to have greater regard to professional opinions of municipal planners as there are many documented examples where the planning department makes a recommendation in the broader public interest, and in accordance with legislative or provincial policy, that is ignored by council for political reasons. Robust pre-consultation and communication between all parties does sometimes relieve the level of tension, but there are often extreme positions opposed to any type of development that can derail any amount of consultation and goodwill between stakeholders.

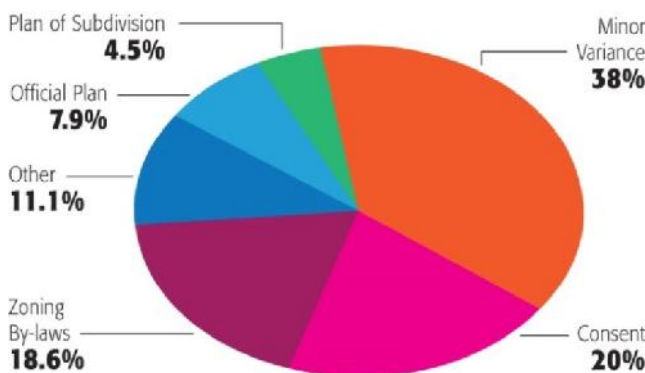
Recommendations:

- The province should continue to make reforms and further promote the use of existing planning tools that emphasize and enhance collaboration, cooperation and certainty at the front-end of the planning process.
- The province also ensures greater up-take of municipal planning tools and modernizes zoning by-laws.
- Municipal engagement and information to the community must continue after OP's and zoning are updated to educate and promote planning visions and principles to existing residents on how and why the community is evolving.

Question 10: What barriers or obstacles may need to be addressed to facilitate the creation of Local Appeal Bodies?

During the Bill 51 consultation, municipalities requested permissive authority to establish Local Appeal Bodies (LABs). Such bodies would be able to adjudicate appeals arising from decisions from their Committee of Adjustment (C of A) involving minor variances and consents. While LABs may provide opportunities to resolve more planning disputes at the local level, OHBA continues to have significant reservations with the notion of LABs.

BOARD STATISTICS - Types of Applications Received 2011/2012



Source: Ministry of Municipal Affairs and Housing

While some municipalities have continued to express their desire for greater autonomy with respect to planning decisions, they have failed to take advantage of existing planning tools that would provide them with the greater autonomy they seek. With that in mind, OHBA believes there are two key issues that exist as obstacles to the creation of LABs. Firstly, a significant barrier to the municipal implementation of LABs remains the municipal cost recovery of the appeals body while maintaining equitable access (measured in terms of application fees/charges).

The second major issue for LABS and primary issue from OHBA's perspective for homeowners and professional renovators is maintaining administrative and independent decision-making and neutrality. There remains no regulations or related procedures to determine the appointment process and, among others matters, to ensure candidates are qualified and, most importantly, remain neutral in their decision making.

It should be noted that the legal framework that governs the decision making of the CofA and the OMB adjudicative process will still continue to be the basis for any LAB decision and, as such, LABs may function as a "local" appeals board but they are still connected to, and grounded in, the existing planning law framework, including the right to appeal a decision to the OMB.

While recognizing that CofA appeals (minor variances and consents) constitute a significant percentage of the OMB's caseload (58 per cent), OHBA has a number of operational recommendations in the *additional recommendations* section of this submission that bring forward new ideas to deal with minor variance issues and technical matters that could go through a streamlined CofA approvals process.

Recommendations:

- Applicants should retain the right of appeal to the OMB for Committee of Adjustment matters including minor variances and consents.

Question 11: Should the powers of a local appeal body be expanded? If so, what should be included and under what conditions?

The *Planning and Conservation Land Statute Law Amendment Act* provided municipal councils with the option of establishing a LAB where decisions dealing with minor variances and consents could be made. To date there are no municipalities that have set-up a LAB. Furthermore, despite specifically requesting the ability to set-up a LAB and receiving the power to do so under the *City of Toronto Act*, the city has still not set up a LAB. Ontario municipalities do not yet have any experience with LABs and should not be granted expanded powers as this may result in unintended consequences.

Recommendations:

- The province should not consider granting an expanded scope of powers to Local Appeal Bodies until there is operational experience in place within Ontario municipalities.

Question 12: Should pre-consultation be required before certain types of applications are submitted? Why or why not? If so, which ones?

OHBA notes that pre-consultation has generally occurred across Ontario for complex applications (even prior to Bill 51). While the process is not perfect, OHBA members who are engaged with a municipality using pre-consultation are generally satisfied with the concept to engage staff early in the process. OHBA recognizes pre-consultation as a valuable opportunity for the landowner/developer and the municipality to meet prior to the submission of an application.

The purpose of pre-consultation is to commence a dialogue to establish clear requirements for information and identify any potential issues at the front-end of the planning process. The objective should be a more transparent and efficient process, which should set expectations of the reports to be filed as part of the application with a view to ultimately reduce costs and the likelihood of an appeal. OHBA members that have participated in pre-consultation believe that it is mutually beneficial to both the applicant and municipal planning staff, however the challenge is sometimes in securing the pre-consultation with all necessary municipal staff in a timely manner and determining a defined list of requirements that can support a timely complete application approval.

Pre-submission consultations should have status with clearer expectations regarding preliminary materials and should outline the terms of reference for what additional materials and studies will be required as part of a complete application. Pre-submission consultation for many applications should be encouraged, but *should not become a mandatory requirement*. This would recognize the diversity and capacity of municipalities while also recognizing that, in many cases, pre-consultation is already happening and OHBA members are choosing to engage with the municipality even before their application is submitted.

Recommendations:

- Pre-submission consultation (landowner and municipality) for many applications should be encouraged, but should not become a statutory requirement.

- Municipalities should be required to respond to a request for pre-consultation within a defined and timely manner particularly where pre-consultation is a pre-requisite in meeting complete application requirements. Furthermore, municipalities should be prohibited from charging a fee for pre-consultation.
- Municipalities should be prohibited from charging a fee for pre-consultation, as such, OHBA is aware of some municipalities who are now requiring a fee for pre-consultation.

Question 13: How can better coordination and cooperation between upper and lower-tier governments on planning matters be built into the system?

The province must fulfill its stated legislated role in the land use planning system as the *Planning Act*, PPS and Provincial Plans all contain requirements to ensure municipal conformity to provincial policies. Should an upper or lower-tier municipality refuse to coordinate their efforts, the province must intervene and ensure coordinated planning is occurring. Coordination of planning is of provincial interest.

The *Planning Act* requires that all lower-tier OP's conform to upper-tier OP's, yet lower-tier municipalities can adopt amendments that do not conform to the upper-tier plan. OHBA recognizes that this may cause tension in the planning system and that local circumstances require local solutions, but the province must show leadership in these circumstances.

During the current round of Regional OP conformity to the *Growth Plan for the Greater Golden Horseshoe* a number of lower-tier municipalities considered rejecting the population and employment allocations applied to them by the upper-tier and requested the province to reassign the population and employment allocations to other municipalities within the upper-tier. OHBA submits that the province did not fulfill its stated legislated role in requiring compliance with provincial policy, and this debate created extensive delays in moving lower-tier municipalities into conformity with provincial policy. It also undermined the public's understanding of the provincial planning regime, as it challenged the fundamental legislative planning regime the province continues to support. If legislative population and employment numbers can be rejected by lower-tier municipalities, how can residents have confidence and certainty in the public planning process? This exercise served to undermine the provincial leadership.

There are similar examples across the province when it comes to conflicting planning policies between upper-tier and lower-tier municipalities, and the coordination of regional services including water, waste-water and transit. There also exists in some communities a clear disconnect between historically zoned lands and other lands that are infrastructure ready. The City of London has launched a working group to determine if current lands within the OP urban boundary are in fact the most efficient to proceed with development.

The province established the Office of the Provincial Development Facilitator (OPDF) in 2005. The OPDF continues to be a valuable service for the province to mediate planning related disputes and is only activated when the parties of the dispute consent to the OPDF's services. Strengthening the role of the OPDF by establishing the Office to report to Cabinet can serve to help fulfill the legislative role of province in the land use planning system.

Recommendations:

- Provincial leadership in coordinating upper-tier and lower-tier municipalities on planning matters.
- Strengthen the Office of the Provincial Development Facilitator by having it report directly to Cabinet.

Theme C: Better engage citizens in the local planning process

OHBA believes that public participation is a critical component of the land use planning system. Our members work with the public and the communities that they operate in. The public engagement process should lead to positive ideas, contributions and opportunities for collaboration resulting in better outcomes. However, there are many examples where the public participation process is adversarial in nature and leads to significant frustration on the part of all stakeholders.

OHBA is concerned that many members of the public think that organized hostile opposition to plans (that may actually conform to public policy) should result in a veto over development. When that development is eventually approved by council or the OMB (on the merits of the application and supported by planning policy) they feel disenfranchised from the planning system and by the public consultation process. While OHBA is prepared to support some process improvements to better engage the public, regardless of any changes, when approval of new developments happens, some of those local citizens will continue to feel disenfranchised from the process. The province must take a much stronger leadership role in terms of educating the public and ratepayer groups with respect to both process and provincial policy and what the latter means for the local built environment. Furthermore, municipalities should undertake stronger community engagement following OP or zoning decisions. The province and municipalities do a disservice to the integrity of the public planning process when they fail to educate and inform the public and existing community as to the reasons why their community is evolving. Without an active public education program regarding planning policy and the changing nature of communities the current adversarial environment will continue to undermine the goals of provincially led planning objectives.

Question 14: What barriers or obstacles may need to be addressed in order for citizens to be effectively engaged and be confident that their input has been considered (e.g. in community design exercises, at public meetings/open houses, through formal submissions)?

Public participation is an important component of the planning process. There is already quite a high level of citizen engagement, and those that are engaged and take the initiative to participate are usually well regarded in the process. Many developers are already conducting public open houses to engage voluntarily with the community early in the process. The current regulations with respect to public participation, notice, and consultation are fairly robust and do not require any amendments.

OHBA is concerned that additional mandatory public open houses will serve as another platform for vocal anti-development residents (the merits of an application are often irrelevant to anti-development ratepayer groups). Land use decisions should primarily be directed from municipal planning departments adhering to provincial planning policies and objectives.

Citizens and their participation in the process must be seriously considered during the development process. Additional public education is required and often when an application polarizes citizens and Council, there is no trust or time to educate. This is an age-old planning dilemma.

Question 15: Should communities be required to explain how citizens input was considered during the review of a planning/development proposal?

OHBA notes that a municipality must continue to render decisions based on their up-to-date OP and zoning by-laws that are in conformity with provincial policy. OHBA notes that the relationship between registered

professional planners employed by the municipality require that they state their professional planning advice clearly and with confidence.

Sometimes such advice will not be consistent with what the citizen input desires or the desire of the local Councillor/Council. It is appropriate for staff reports to state how the public was informed and consulted and in fact some staff reports already do this. OHBA does not believe that there should be a legislative requirement to address this question. This matter is best addressed, if not already, through municipal best practices.

Recommendations:

- Citizen comments and how such input was considered during the review of a planning application should be established as a municipal best practice and a regular component within the process provided that the privacy of individual citizens is protected.

Theme D: Protect long-term public interests, particularly through better alignment of land use planning and infrastructure decisions, and support for job creation and economic growth

The land use planning system can best support strategic infrastructure investment decisions and encourage economic growth when municipal OP's and zoning by-laws are up-to-date (OP's every five years and zoning within three years of an OP update) and in conformity with provincial policy. Municipal planning documents must also support infrastructure investments through appropriate pre-zoning. When the province provides funding along corridors such as Sheppard Avenue in North York to construct a subway, it should have been the pre-requisite of the municipality to pre-zone the corridor for transit-oriented development that supports ridership before provincial funds were committed.

A positive example of the preferred OHBA approach is the St. Clair corridor which was in fact pre-zoned to support mid-rise development following the construction of the streetcar right-of-way. Furthermore, creating additional certainty and streamlining through a development permit system that is strategically located to take advantage of investment-ready communities will support major infrastructure investments. The current GO System, O-Train in Ottawa and other rail-based services and planned LRT systems provides an opportunity to extend the principle of pre-zoning across the province.

Question 16: How can the land use planning system support infrastructure decisions and protect employment uses to attract/retain jobs and encourage economic growth?

The land use planning system can support infrastructure decisions by ensuring planned growth is allocated to areas where existing or logical extensions of infrastructure exist. Employment uses (industrial, commercial and major retail) must be protected, but also must be supported by residential and mixed uses to ensure success. The notion of promoting "live-work" lifestyles through planning is only successful when growth is properly planned and housing choices/options are made available. This will ensure successful employment lands, reduced commute times and less strain on highways which should be "goods movement" focused. Furthermore, ensuring that OP's contain secondary suite policies as required by Schedule #2 of the *Strong Communities Through Affordable Housing Act, 2011* will facilitate intensification by professional renovators that takes advantage of existing infrastructure. In essence the province can support complete communities by enforcing current planning policies.

Aligning infrastructure and planning decisions can assist economic growth but there continues to be silos that prevent communication/collaboration on these critical decisions. In other situations, infrastructure decisions can be highly politicized and may not yield the best results to support employment. The current planning regime allows for infrastructure planning beyond 20-years, but limits the land use planning to 20-years – essential 100-year infrastructure financed by 20-year OPs.

Municipal OPs should be required to connect the long-term infrastructure plan with the municipalities long-term structural concepts plan, including: employment (industrial, commercial and major retail) and residential land uses, open space, transportation and transit corridors.

Recommendations:

- Provincial land use planning should be consistent with long-term infrastructure planning and as such the Province must extend the current 20-year planning horizon in the PPS to align with longer infrastructure planning timeframes a better inform long-term land use in municipal OPs.

Question 17: How should appeals of OP's, zoning by-laws, or related amendments, supporting matters that are provincially-approved be addressed? For example, should the ability to appeal these types of OP's, zoning by-laws, or related amendments be removed? Why or why not?

In 2005, OHBA submitted a *Tools to Support Intensification* report (attached in the appendix) and followed up with submissions regarding the *Growth Plan for the Greater Golden Horseshoe* that outlined a number of related concerns. OHBA has consistently identified issues that require strong provincial leadership to avoid appeals to the OMB. First and foremost, OHBA has advocated for the province to establish a standardized land budget methodology and best practices guide that allows for some local flexibility to reflect the diversity of communities across Ontario while ensuring consistency with provincial policies for municipal use. The provincial failure to provide clarity on this fundamental methodology issue is at the centre of many OMB appeals regarding OPs. OHBA has a long history of working with MMAH and the Ontario Growth Secretariat to advocate for the province to have a stronger and more proactive role at the front end of the planning process. While we acknowledge the extensive literature and tools provided by the province (Appendix A: Building Blocks for Sustainable Planning) more leadership is required to actually implement these tools. OHBA is concerned that the default position of the province has often been to resolve these issues (i.e. land budget methodology) at the OMB rather than implementing clear rules at the front end of the process. There are similar examples that can be provided regarding updates to the PPS, natural heritage features, the *Endangered Species Act* and many other new provincial plans or regulations mid-stream in various updates to OPs that have resulted in uncertainty and appeals.

The complexities of the land use planning system cannot be minimized by the arbitrary removal of appeal rights. Instead, clarity in the assumptions and interpretation of the provincial policy or plan must be paramount. The stagnation of the planning process is in large part due to the lack of clarity, the absence of certainty and misalignment of municipal planning documents with provincial policy. Therefore, the province must demonstrate greater oversight and leadership and strongly enforce provincial policy at the municipal level.

Removing appeal rights do not confirm that the provincially-approved matters are automatically consistent with existing provincial planning policy. The Region of Waterloo's land budget methodology underlying its new OP implementing the Growth Plan serves as a public example. Regardless of the outcome of the decision, the Region of Waterloo methodology's unique approach was one that should have been testable through an appeal and hearing process. The province should not be afraid to have their "provincially-approved matters" exposed

to scrutiny and potential appeal to the OMB. If anything, this principle of eliminating appeal rights runs counter to the evidence-based planning, collaboration and consensus-building approach that the consultation is seeking to create.

OHBA notes that if appeal rights are removed, that the courts would likely become the sole avenue for resolution. Simply said, the courts are not equipped or experienced to deliberate on complex planning matters. OHBA recognizes that there is, unfortunately, an element of abuse by a minority of those who appeal applications. However, the resolution to this problem should not hamper the vast majority of applications submitted in good faith. Hearings allow for a debate and comprehensive review of the planning merits of a case that cannot occur at a municipal council meeting. When properly adjudicated, good decisions result, to which others can follow.

Recommendations:

- Appeals of entire OP's and zoning by-laws should not be limited and the current appeal permissions continue to apply.
- OHBA notes OP's or related amendments implementing provincially approved planning documents should still have the ability to be appealed and face scrutiny and review in front of an evidence-based planning tribunal.
- With respect to appeals of entire OP's or zoning by-laws, there is usually one fundamental issue at hand and a stronger pre-screening system or initial review could better scope the issues and provide reasons for the appeal at the time of filing the notice of appeal.
- Appeals should undergo mediation first, and then, if irreconcilable differences continue, a board hearing can be convened. This will help to narrow the concerns as mediation provides participants an opportunity to be heard prior to convening the board hearing.
- To assist in ensuring that municipal planning documents are prepared in a timely manner in accordance with the *Planning Act*, PPS and (if applicable) Provincial Plans:
 - Prior to the next Growth Plan review commencing the province must establish:
 - standardized population projections/forecasts
 - land budget methodologies that allow for some local flexibility to reflect Ontario's diverse communities, but that are also consistent with the PPS and Provincial Plans
 - employment land use policies
 - Reviews of OP's and zoning by-laws could/should run concurrently;
 - Utilize enhanced technological resources such as GIS.

Additional Recommendations for Consideration

OHBA acknowledges that a primary goal of this consultation is, in part, to achieve greater public participation and confidence in the outcomes of Ontario's land use planning system. To achieve these policy and planning objectives OHBA proposes a number of additional recommendations and ideas. OHBA is now encouraging the Ministry of Municipal Affairs and Housing to establish a separate consultation process with OHBA and the municipal sector to further discuss these concepts and report back to the government within 90 days.

OHBA believes that an effective land use system requires:

- Clear and consistently applied policies directed by legislation;
- Fair and reasonably applied decisions by municipal councils; and
- Where land use conflicts arise, a strong effective and independent OMB to adjudicate planning matters.

Removal of the Ontario Municipal Board from the “cluster” to provide a distinct and separate process for “DISPUTE RESOLUTION”

In order to provide a “marked” change on the current appeal process, which many believe to be too confrontational between applicants, municipalities and ratepayer groups and/or individuals, OHBA is suggesting a number of changes to the operations of the OMB. The OMB should focus on a more collaborative and informative environment for unrepresented parties, with a focus on “dispute resolution”, proceeding to hearings in only those cases where such alternative resolution cannot be reached. However, these changes could only be effective if the OMB was truly considered as an *independent tribunal, with its own distinct members, trained and duly qualified in the area of land use planning.*

Mandatory Mediation

The pertinent idea behind requiring mediation is to encourage a system of dispute resolution. There would be no inherent risks to participants; there would be no requirement to settle and parties would still have the right to proceed to a full hearing.

We suggest implementing a pre-hearing requirement of mandatory mediation for applications (suggestion of hearings in excess of one or two weeks) in order to provide a forum of principled dispute resolution and aid in the facilitation of decision making at a pre-hearing level, thereby reducing the number of full hearings before the Board. This process would not pre-empt the scheduling of a hearing date, as both would be scheduled concurrently; however, by having mandatory mediation for all applications prior to a full hearing, the volume of cases going to a full hearing would be reduced as many resolutions could be reached through mediation or settlement. Further, the length of hearings before the Board would be reduced as many issues would be raised in the mediation session thereby reducing costs and time for all parties involved.

Although this would require the Board to hire and train more experienced mediators, it would alleviate the case load of many Board Members as the number and length of full hearings would be reduced.

Provide planning resources to rate payer groups

Through the mediation process, the Board would have the authority to assign recognized ratepayer associations/groups with a resource with planning experience and perhaps more preferably a registered professional planner with mediation training and certification. This would encourage greater public participation

as groups would have equitable access trained professionals whose role and purpose is to resolve conflict. Such resources would be funded by the Board. OHBA and its members are prepared to discuss with MMAH proposals on how this effort can be achieved.

Increased fees to Appeal to the OMB

The ideas behind mandatory mediation and providing planning resources to ratepayer groups are offered for consideration with a view ensure that the land use planning system in Ontario remains fair, equitable and accessible to better serve all stakeholders, the public included. It is acknowledged that this effort will take financial resources, which is limited within provincial means.

OHBA also wishes to note that, at this time, the compliment of OMB members is at a historic low. This is unacceptable. The monies generated through potential increased appeal fees could also be used for the hiring and training of more Board Members and mediators.

Set the bar higher in regard to awarding of costs

Consideration should be given to amending the procedure for awarding costs, specifically establishing higher standards before costs are awarded against an unrepresented ratepayer. This ensures that costs are virtually never an issue that deters an unrepresented ratepayer from presenting their views at a hearing. The standard should be such that unless the conduct of an unrepresented ratepayer is completely unreasonable or vexatious would an award of costs be considered? It should be certain that only in the most unusual circumstances would the Board even consider a motion for costs against an unrepresented ratepayer.

Amendments to notice procedure on minor variances and decisions of the Committee of Adjustment

Appeals of minor variances and consents make up a large component of applications to the Board (some 58%) with the City of Toronto contributing a substantial number of that percentage.

A primary goal of OHBA is to have the OMB deal with more complex cases and “freeing-up” the resources of the Board to address such cases. A means to achieve this objective would be to address the volume of Committee of Adjustment cases dealt with by the Board. We envision a scenario that a effectively establishes a two-tiered system for notification and approvals for C of A hearings province-wide through appropriate amendments to the *Planning Act* which strives to achieve the following objectives:

- Mandate a more complete consultation process for more complex applications
- Streamline the process for “non-contentious” matters;
- Reduces the volume of minor variance appeals heard by the OMB.

Currently, the regulations under the *Planning Act* call for a minimum 10-day notice in advance of a C of A hearing. Instead of only 10-days’ notice being issued prior to the scheduling of a hearing, we would suggest that the original 10-day notice be one which invites comments from those notified of the hearing. If no person files an objection(s) (including City Staff and/or the local Councillor), the Secretary-Treasurer of the Committee would have the “delegated authority” to approve the application, removing essentially “non-contentious” applications from the Committee’s hearing schedule. There would still be a “right of appeal” against a decision made by the Secretary-Treasurer and the notice provisions of a decision in effect today will continue to apply.

In the event objection(s) are raised during the original 10-day notice period, the applicant will have an obligation to consult, in person, with those person(s) raising concerns/objections, within the next 10 days from the time they are advised of the “objections” being filed with the Committee. Once written evidence of the consultation is provided to the Secretary-Treasurer of the Committee, notice of the hearing will be sent out, with an additional 10-day period providing a more fulsome time period to allow for both consultation and a potential resolution of issues prior to those “contentious” applications proceeding to the C of A.

There would still be a “right of appeal” against a decision made by the Secretary-Treasurer and the notice provisions of a decision in effect today will continue to apply. If an appeal is filed, mandatory mediation may take place prior to the full hearing. Furthermore, OHBA would recommend that similar to the *Planning Act* provisions related to OP, zoning by-laws and other planning matters, parties filing an appeal to the OMB must have participated in the statutory public meeting and/or, per the recommendations above, raised an objection to the proposal before the C of A.

Mandatory Reporting on Ontario Municipal Board Cases and Decisions

Improvements are needed to provide a more accessible and transparent reporting system to enhance the public’s understanding of the Board’s activity and operations. OHBA suggests that this should be a function of the Ministry of Municipal Affairs and Housing in conjunction with municipalities. Reporting should be annually and include the types of appeals, the geography of appeals, and the decision history of the Board. Municipalities could provide details on the number of applications and appeals, while the Board would report on decisions. This would provide more information to the general public, providing a greater understanding of the role and operations of the Board, and enhance the transparency of the Board, especially as it pertains to how many major development decisions are made by the Board.

OMB as part of the Environment and Land Tribunals Ontario

Finally, we note that if these recommendations are to be successfully implemented, it is important that the OMB remain as a *distinct part* of the Environment and Land Tribunals Ontario, with its own members and staff, and with sufficient expertise in the land use planning discipline.

Site Plan Approval Process

OHBA recommends a number of improvements to the Site Plan Approvals (SPA) process to maintain competitiveness of our communities to attract the businesses that will provide a range of employment opportunities (industrial, commercial and major retail). Complete applications are a new requirement of the *Planning and Land Statute Law Amendment Act* (Bill 51) and the building permit process. This means full site plan approval is a requirement prior to submitting building permit applications.

OHBA is concerned, that without SPA, building permit applications are not considered complete and therefore have no status. It is up to the discretion of the local chief building official as to whether or not they will accept building permit application, and issue foundation to roof permits. However, due to the perceived risk of issuing foundation and roof permits, SPA timelines continue to increase. Over time, fewer and fewer conditional permits are being issued and, in many cases, the time taken to achieve final SPA ranges from nine months to more than a year. Prior to the changes in Bill 51 our members would be able to achieve satisfactory SPA in approximately three months and obtain shell permits in that same timeframe. Doing business this way leaves a tremendous amount of uncertainty in the system. OHBA recommends that the province clearly allow for the

issuance of a phased SPA. A phased SPA would then be recognized as applicable law which would then allow for permits to be issued earlier in the process.

Once zoning is confirmed, the building is sited, the urban design agreed upon, and appropriate securities obtained, the municipality could issue a phased SPA which would then allow the building permit review process to proceed through to the issuance of foundation to roof (or “shell”) building permits. Meanwhile, the applicant would continue working with the various agencies towards final SPA which would need to be provided prior to final occupancy of the building. This legislated approach would provide greater certainty and transparency in the process and would respond to the changing needs of the business community. The ICI sector needs to have building permits issued earlier in the process in order to deliver facilities within a reasonable timeframe.

Integration of Land Use Planning and Municipal Class EA Process

The Municipal Class EA process must be better integrated into the land use planning process. *Ontario’s Open for Business* roundtable through the Ministry of Economic Development and Trade previously worked with stakeholders to examine opportunities to streamline and better integrate existing requirements from the *Planning Act* with the *Environmental Assessment Act* to avoid duplication. This review process has stalled and should continue along with other improvements to Ontario’s EA process.

Conservation Authority Appeals of Fees

The province must address concerns surrounding Conservation Authority (CA) fees as currently there is no ability to appeal a CA fee to a higher body than to a CA Board of Directors. Section 69(3) and 69(4) of the *Planning Act* (Tariff of Fees) provides any person with the right to appeal any fee that they may be required to pay for the processing of an application with respect to a planning matter, where such fees have been established under a tariff pursuant to Section 69(1) of the Act. The current legislation contemplates a tariff of fees established for the processing of applications by the municipality, a committee of adjustment or a land division committee. CAs are not currently identified in the provisions of Subsection 69(1) and accordingly, there is no similar requirement for establishment of a tariff or the provision of a right of appeal to the OMB concerning the fees charged by CAs.

The ability to appeal the fees is a very important check and balance in the system for both home owners applying for minor variances and severances and for land developers applying for larger planning matters. As such, OHBA recommends that the *Planning Act* be amended to include CAs, through an amendment to Section 69. If CAs were identified under Section 69, this would allow the applicant access to an appeal process at the OMB in the event of a dispute.

In addition, OHBA continues to be concerned that members of the CA hearing boards consist of some of the members of the CA’s board of directors. OHBA is concerned that those members on the CA hearing board, who are also represented on the board of directors, create a perception of bias and conflict of interest from the hearing board.

Conservation Authority Appeals of Permits

The Office of the Mining and Lands Commissioner (OMLC) is no longer an appropriate forum for appealing these decisions. The development process largely falls under legislation contained in the *Planning Act*, however the OMLC falls under the jurisdiction of the Ministry of Natural Resources and is governed by the *Mining Act*. OHBA recommends that the appropriate amendments be made to move appeals under the Mining and Land Commissioner to the jurisdiction of the OMB. This seems reasonable, as the OMB is the appeal body which normally adjudicates all of the other planning and environmental matters associated with land use planning.

Conclusion

OHBA appreciates the opportunity to submit our recommendations with respect to Ontario's land use and appeals system for consideration by the Ministry of Municipal Affairs and Housing. OHBA expects this consultation will result in the province and municipalities demonstrating stronger leadership to ensure effective implementation of provincial policy. Furthermore, with the 80-day consultation period coming to an end, the OHBA and other stakeholder submissions should serve as an opportunity for the Ministry of Municipal Affairs and Housing to directly engage with stakeholders with respect to recommendations to improve Ontario's land use planning and appeals system.

OHBA members from across Ontario from Windsor to Cornwall and from Niagara to Thunder Bay have been very engaged with both the government and their provincial association throughout this consultation. Going forward, OHBA expects that the province will meet and engage with stakeholders including OHBA with respect to the recommendations put forward in the consultation and potential solutions. OHBA expects that there will be additional consultation prior to any new legislation moving forward impacting the land use planning and appeals system.

APPENDIX



Ontario
Home Builders'
Association

Media Release

It is Time to Make Affordability and Fairness a Cornerstone of Ontario's Planning System

Province Must Ensure New Neighbours Stop Carrying Burden of Ontario's Infrastructure Renewal

Toronto, August 20 2013 – The Ontario Home Builders' Association (OHBA) welcomed the announcement by Minister of Municipal Affairs and Housing Hon. Linda Jeffrey, that the provincial government intends to launch consultations on Ontario's land-use planning system and growth-related infrastructure financing.

“Currently new neighbours are being forced to finance massive infrastructure projects and urban renewal across Ontario. The *Development Charges Act* should be renamed the *New Neighbour Tax*,” said OHBA C.O.O. Joe Vaccaro.

OHBA recognizes that the time is right for the province, municipalities and industry to make affordability and fairness a cornerstone of Ontario's planning system.

“This is an opportunity to have a fact-based discussion about how Ontario's lengthy and complex public planning system is challenging housing affordability and adding to the costs of new communities for Ontarians,” said Vaccaro.

Minister Jeffrey also announced that the provincial government would launch a consultation to evaluate the Development Charges Act and other related taxes, fees and charges that municipalities levy onto the costs of new homes. OHBA has, for several years, expressed serious concerns that increasing government-imposed charges are driving up the cost of housing. Increasing prices for housing is progressively impacting the ability for Ontarians to purchase appropriate housing to suit their needs. This is limiting opportunities for economic growth while reducing our competitiveness with other jurisdictions.

“By placing the new neighbours at the centre of this discussion in terms of affordability and fairness, we welcome the opportunity to have a detailed discussion on the impact of development charges, parkland dedication fees, section 37 agreements and voluntary charges on new communities. The cost for families to purchase a home has skyrocketed in recent years and new neighbours can no longer afford additional taxes,” noted Vaccaro, adding, “OHBA has been advocating for greater accountability and transparency by municipal governments so that new neighbours understand that up to one quarter of the cost of their new home is paying for the infrastructure used by the broader community.”

The Ontario Home Builders' Association is the voice of the residential construction industry in Ontario representing 4,000 member companies organized into 30 local associations across the province. The industry contributes over \$43 billion to Ontario's economy, employing over 325,000 people across the province.

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*For further information or to arrange an interview with OHBA COO Joe Vaccaro
Please contact OHBA C.O.O., Joe Vaccaro at 416-606-3454.*

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ZONING BY-LAW / ZONING BY-LAW AMENDMENT (s. 34)

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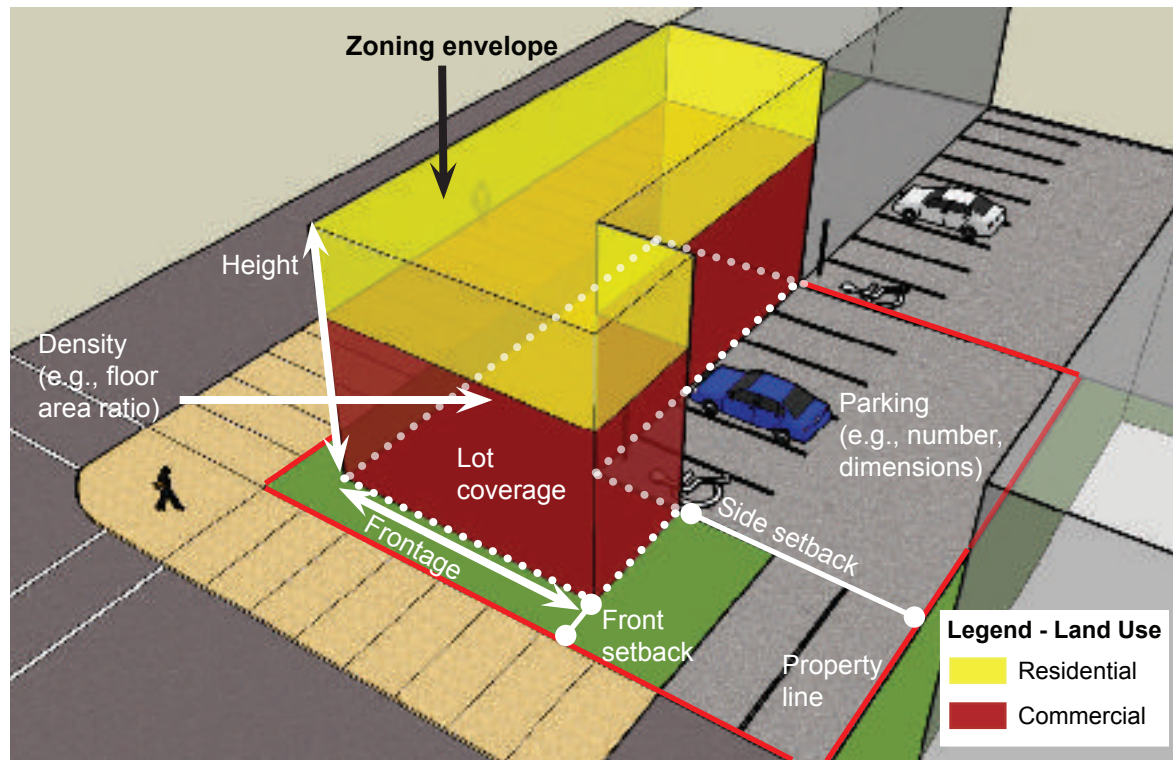
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Description of Tool

- Regulates land uses and physical characteristics of land use (e.g. building height, density, location and parking)
- Tool to implement an official plan
- Can be used on a municipal-wide or site-specific basis

Implementation

- A municipal council/approval authority passes zoning by-laws and zoning by-law amendments
- Timeline: when the complete application is received, the council has 120 days to make a decision

Potential Benefits

- Can ensure mixed-use and compact development
- Can place buildings and arrange building mass in a way that frames the public realm and decreases the visibility of off-street parking
- Can set standards for form and placement of buildings in relation to streets and public spaces
- Can set minimum building height which can contribute to safer, more compact, well-designed, walkable and vibrant streetscapes
- Can promote density that makes more efficient use of existing infrastructure and transit service
- Can reduce development pressures on agricultural and resource areas
- May reduce greenhouse gas emissions through mixed-use development and compact form
- May create shorter trip distances to employment and nearby services, and improved viability of walking and cycling through mixed-use, compact form and reduced parking

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MINIMUM / MAXIMUM STANDARDS IN ZONING BY-LAW (s. 34 (3))

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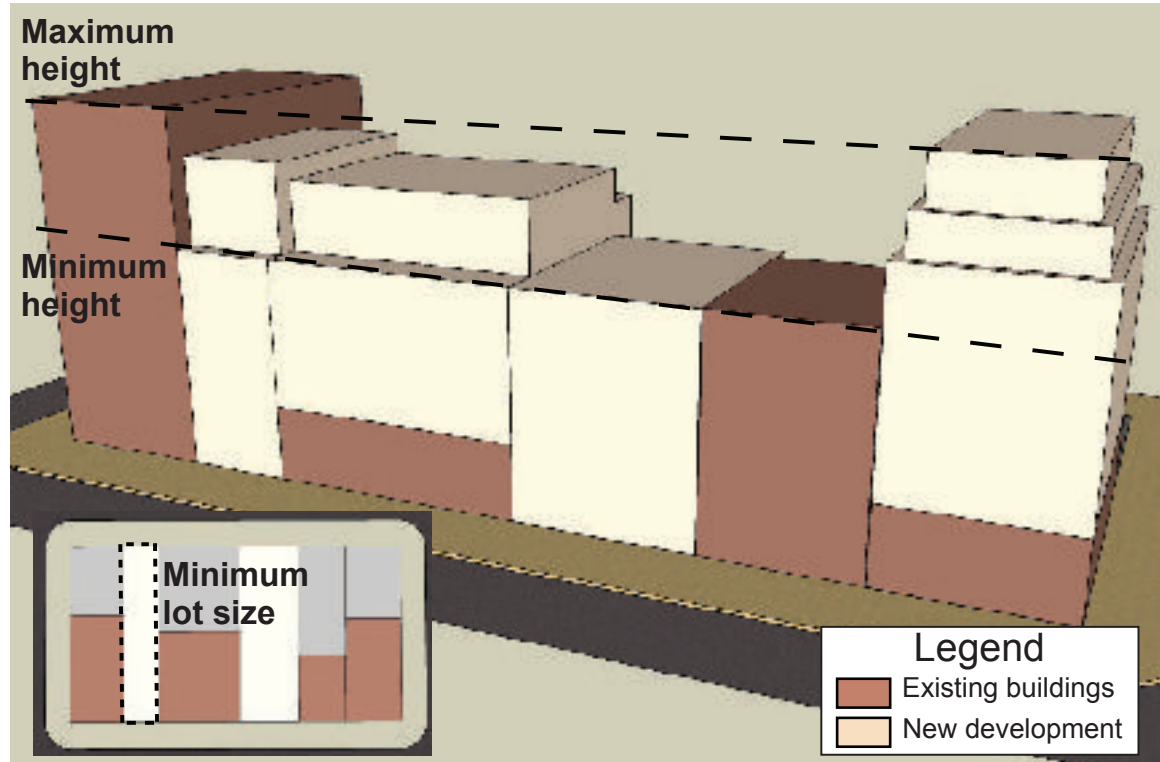
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Description of Tool

- Clarifies that zoning by-laws can regulate minimum as well as maximum standards for height and density and minimum lot area
- Optional tool that does not require official plan policies for set-up

Implementation

- A municipal council/approval authority passes zoning by-laws and zoning by-law amendments
- Timeline: when the complete application is received, the council has 120 days to make a decision

Potential Benefits

- Can ensure that buildings reach a minimum height to establish a consistent building pattern on a street
- Can establish an urban design standard to ensure compatibility with adjacent buildings and the surrounding neighbourhood
- Can promote safe, compact, well-designed, walkable and vibrant streetscapes
- Can support intensification and transit supportive goals
- Can provide a range of height and density that may create development potential and economic opportunities

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PROTECTION OF SECOND SUITE POLICIES

(s. 17 (24.1), 17(36.1), 22(7.1) & (7.2) and s. 34 (19.1))

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Description of Tool

- Enables municipalities to adopt official plan (OP) policies and zoning by-law (ZBL) provisions that permit second suites in detached, semi-detached and row houses as-of-right
- Optional tool that builds on existing OP policies and ZBL
- Cannot be challenged at the Ontario Municipal Board unless the OP policies are appealed at the time of a mandatory OP review

Implementation

- Municipal councils can adopt OP policies and zoning by-laws that permit second suites in detached, semi-detached or row houses as-of-right

Potential Benefits

- Can make efficient use of existing housing stock and infrastructure
- Can support intensification and compact form
- Can increase densities without changing the community's character and may make transit more viable
- May increase the supply of affordable housing units
- Can provide a source of income for homeowners

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HOLDING BY-LAW (s. 36)

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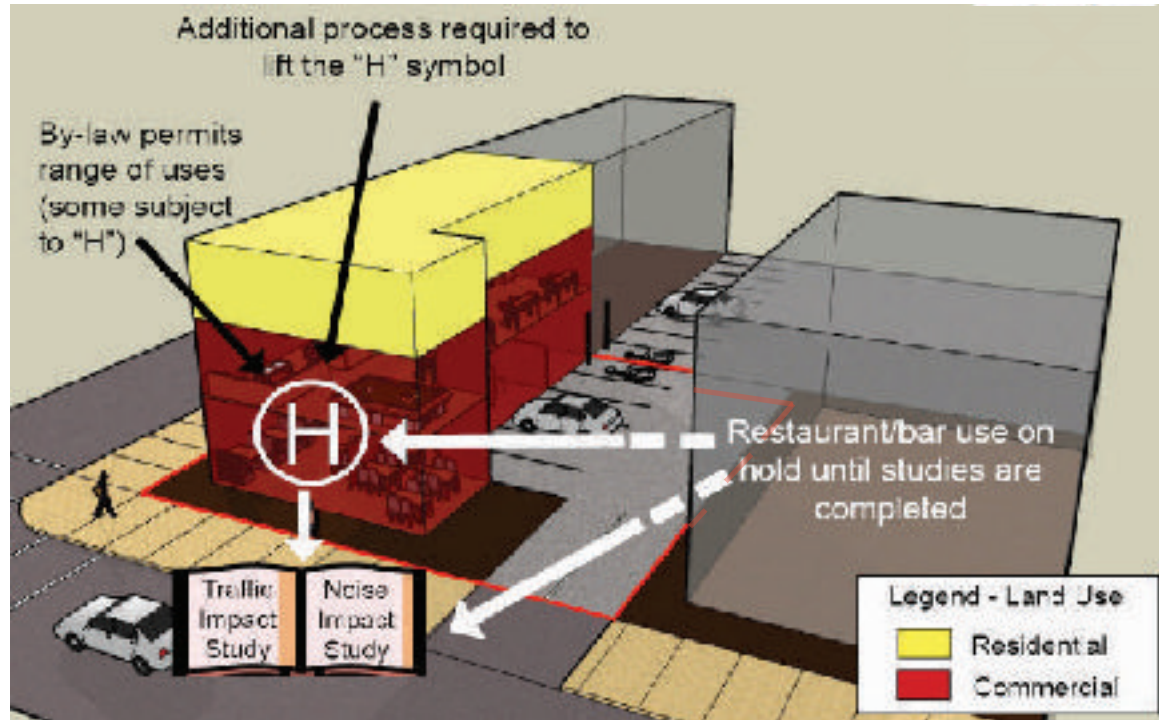
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Description of Tool

- A zoning by-law with a holding symbol (“H”) restricts future uses until conditions for removing “H” are met
- Optional tool that requires additional official plan policies for set-up
- Requires two council processes: 1) Council enacts zoning by-law with H-symbol and 2) Council agrees to remove the H-symbol to enact the use

Implementation

- To use this tool, a municipality must have approved official plan policies related to its use
- A municipal council passes a zoning by-law with holding provisions (“H” symbol)
- An application must be made to council for an amendment to the by-law to remove the holding symbol
- Requires an additional council process to approve a request to remove “H”
- Timeline: the approval authority has 120 days to make a decision to remove “H”

Potential Benefits

- Can provide municipalities with the time required to evaluate the impact of a proposed change in land use before development takes place
- May benefit the community by identifying necessary requirements (such as a traffic impact study) that are needed before a development can take place
- Can minimize impacts on the community by requiring measures to mitigate environmental disturbances from a use of land, such as noise or odour
- May ensure that adequate community infrastructure is in place prior to future development

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HEIGHT AND DENSITY BONUSING (s. 37)

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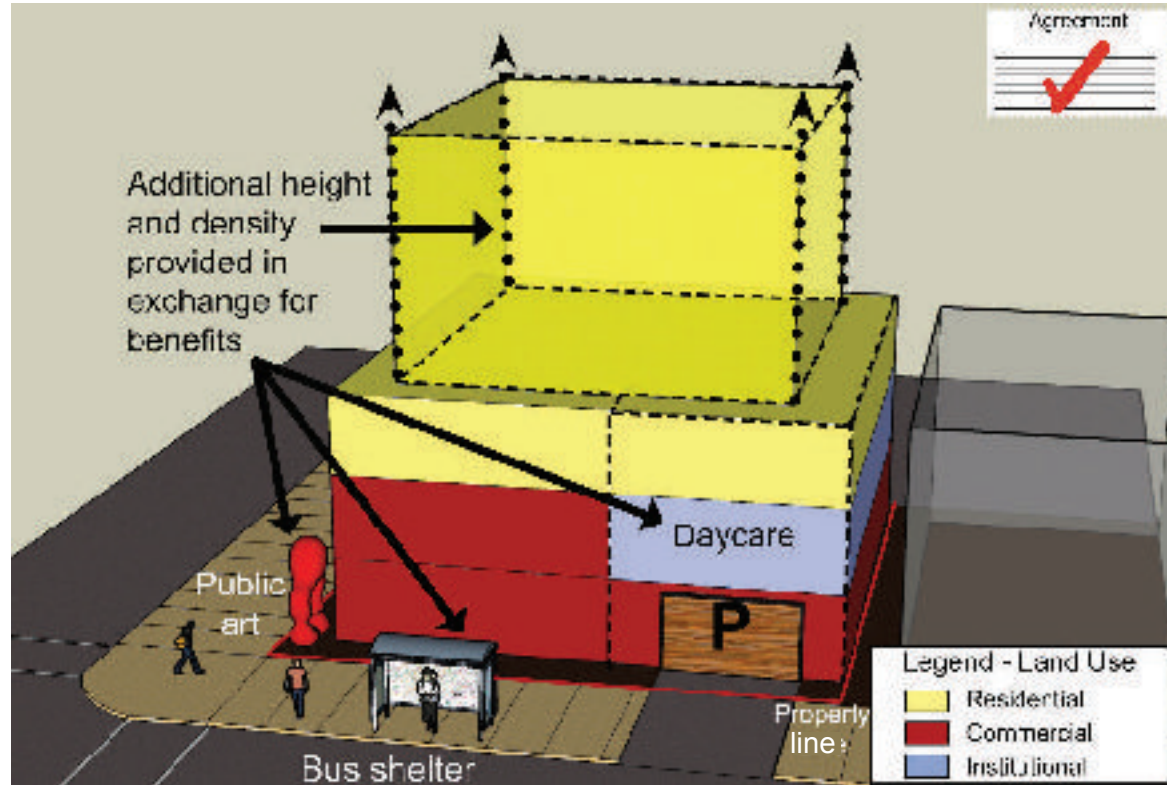
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Description of Tool

- Process to allow buildings to exceed the height and density of development otherwise permitted by zoning by-laws in exchange for community benefits
- Optional tool, requires additional official plan (OP) policies for set-up
- Often negotiated between a developer and a municipality
- Allows services, facilities or matters to be set out in agreements and registered on title

Implementation

- To use this tool, a municipality must have approved OP policies related to bonusing
- A municipal council must pass a zoning by-law to authorize increases in height and density of a development in return for the provision of facilities, services, or matters of benefit to the community
- Timeline: when the complete application is received, the approval authority has 120 days to make a decision

Potential Benefits

- May allow facilities, services, or matters, such as public art or transit improvements to be provided to the community without increasing the financial burden on municipalities or their taxpayers
- May support intensification, growth management, transit supportiveness and other community building objectives
- May provide desirable visual amenities to enhance the development site and the surrounding neighbourhood

PLAN OF SUBDIVISION (s. 51)

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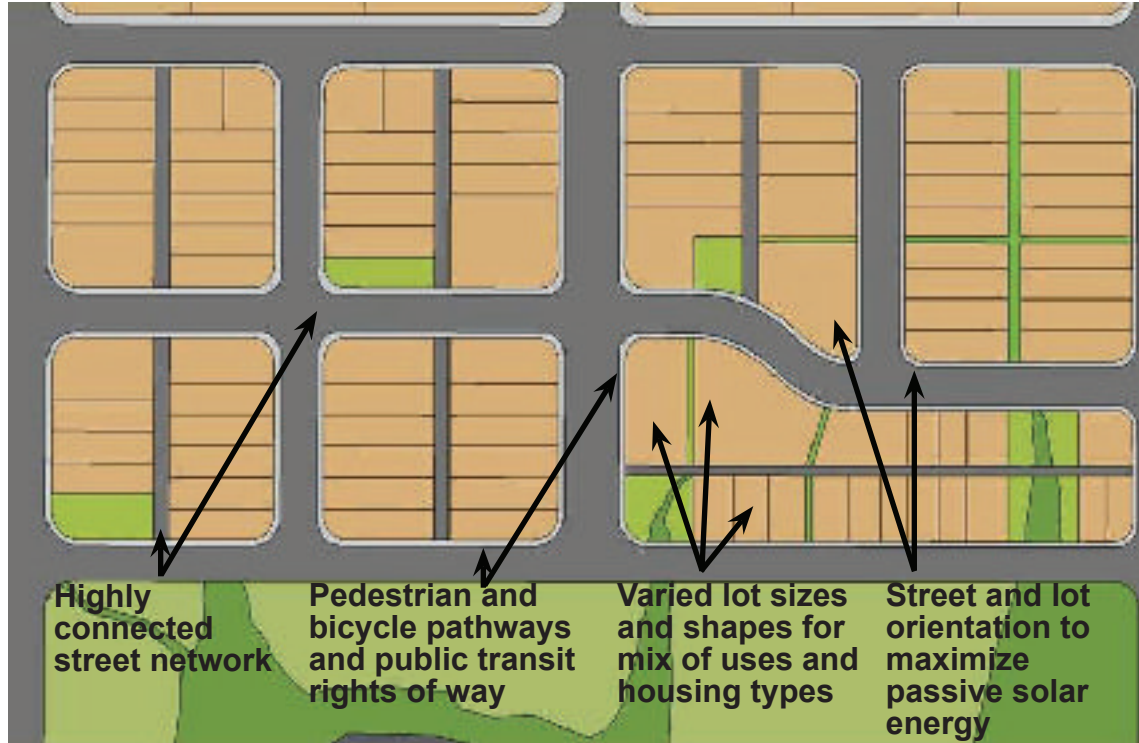
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Description of Tool

- Process of multiple lot creation
- Optional tool
- Approval authorities may assess subdivision design and layout having regard to matters such as street connectivity to support transit, cycling and walking, the conservation of natural resources, and the size, shape and orientation of lots to facilitate a range of housing and the efficient use and conservation of energy

Implementation

- Timeline: once the complete application is received, the approval authority has 180 days to make a decision

Potential Benefits

- Can play a central role in creating compact, integrated neighbourhoods
- Can encourage a variety of housing choices by planning for different lot sizes
- Can promote the supply, efficient use and conservation of energy through the design and orientation of streets and lots
- May reduce auto dependency through improved connectivity, walkability and multi-modal transportation options
- Can promote the creation of parks, greenspace and conservation of natural resources

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SITE PLAN CONTROL - IMPLEMENTED WITHOUT EXTERIOR DESIGN CONTROL (s. 41)

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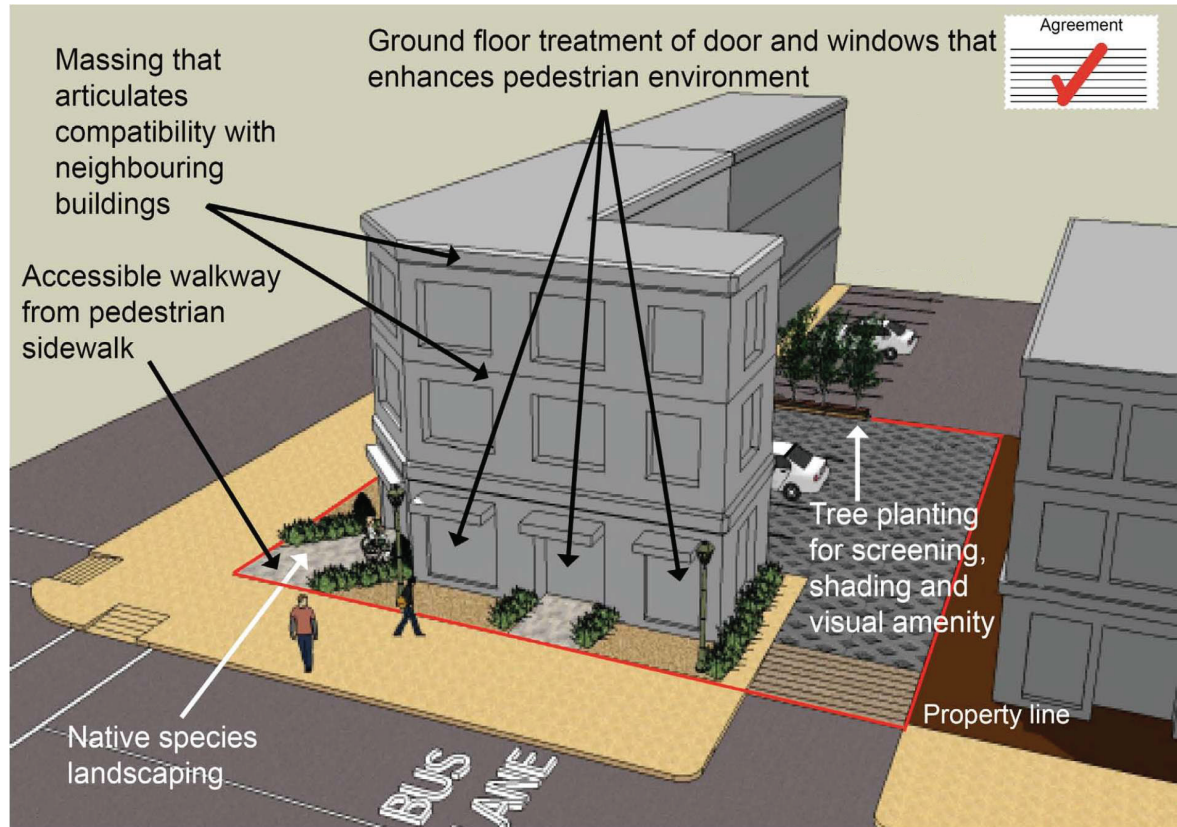
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Description of Tool

- Technical site improvement process that builds upon zoning
- Optional tool, requires official plan (OP) policies and a site plan by-law for set-up
- Allows for limited conditions related to site design matters (including agreements which may be registered on title)

Implementation

- To use this tool, a site plan control area must be shown or described in an approved official plan
- A site plan control by-law must be passed by the municipality designating all or any part of the area shown in the official plan as a site plan control area
- Timeline: when the application is received, the approval authority has 30 days to make a decision

Potential Benefits

- Can help implement municipal urban design objectives
- Can promote sustainability through native species planting and permeable paving materials
- Can require energy efficient outdoor lighting to improve safety

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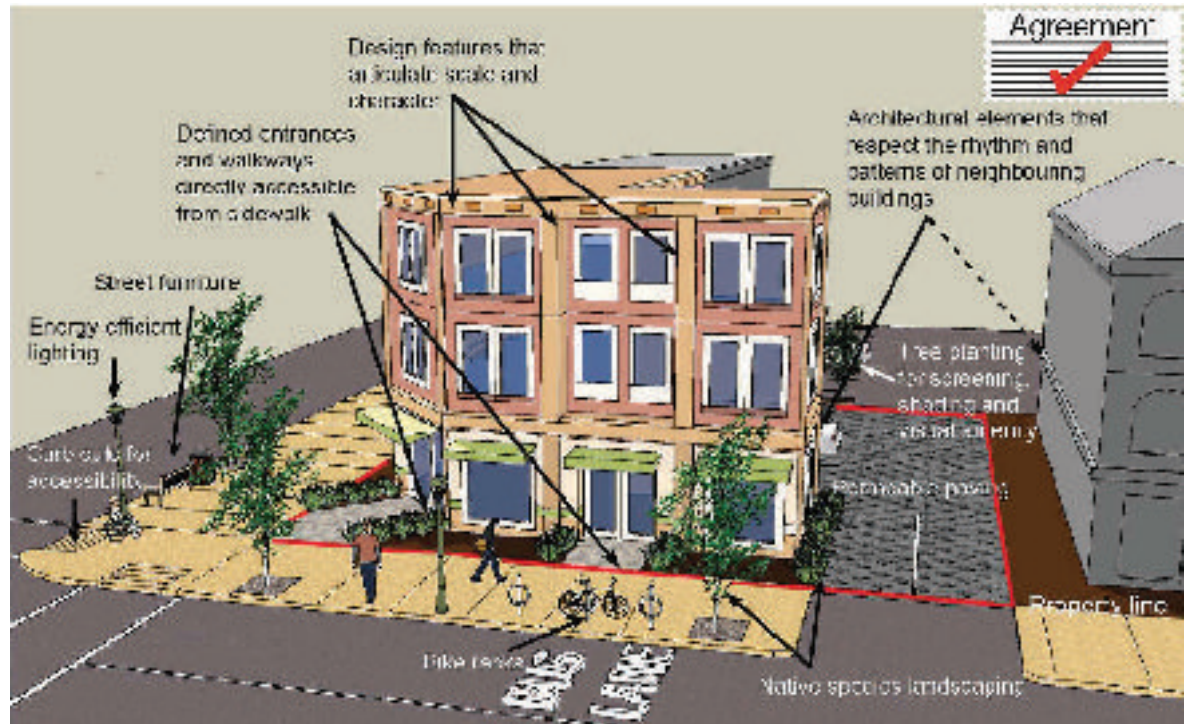
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Description of Tool

- Technical design refinement process that builds upon zoning
- Optional tool, requires official plan (OP) policies and a site plan by-law for set-up
- Can regulate certain external building, site and boulevard design matters (character, scale, appearance, sustainable streetscape design)
- Allows for limited conditions related to design matters including agreements which may be registered on title

Implementation

- To use this tool, a site plan control area must be shown or described in an approved OP which includes exterior design policies
- A site plan control by-law must be passed by the municipality designating all or any part of the area shown in the official plan as a site plan control area
- A site plan by-law must contain provisions relating to exterior building and boulevard design
- Timeline: when the application is received, the approval authority has 30 days to make a decision

Potential Benefits

- Can help implement municipal urban design objectives
- Can improve design quality of sites, buildings, streetscapes and places
- Can require new buildings to include architectural details that reflect community character
- May require sustainable design features to support energy efficiency, sustainable transportation options, water conservation, and improved air and water quality
- May enable strategic tree planting to provide shelter from cold winter winds and provide shade in the summer

Produced by the Ministry of Municipal Affairs and Housing, Provincial Planning Policy Branch

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ISBN 978-1-4435-1180-3 (HTML)

Page 9 of 110 Ontario's Printer for Ontario, 09/09

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REDUCTION IN PARKLAND DEDICATION PAYMENTS (s. 42 (6.2) and (6.3))

➔ For More Information

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 or contact your nearest Municipal Services Office (MSO):

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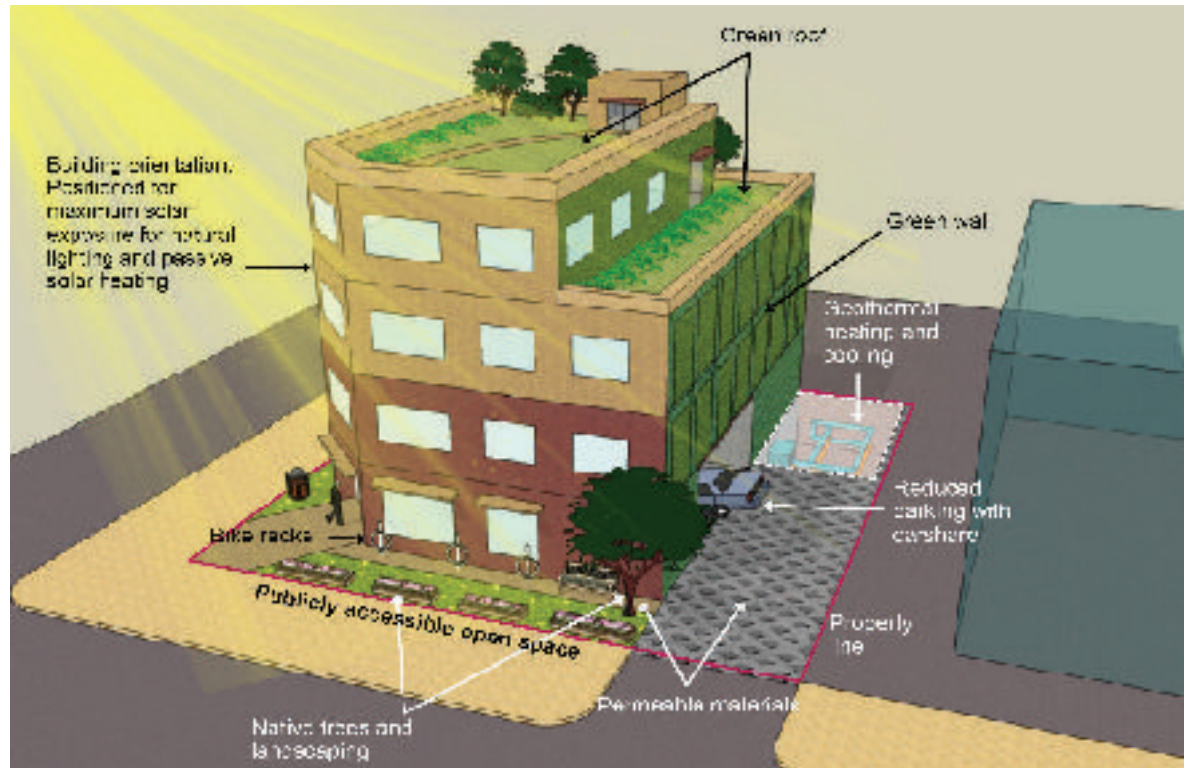
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Description of Tool

- Municipalities can authorize a reduction in the amount of cash-in-lieu of parkland payment if sustainability features are included in redevelopment proposals
- Optional tool, requires official plan (OP) policies
- Only applies where on-site parkland cannot be dedicated in redevelopment proposals

Implementation

- Municipalities must adopt OP policies and by-laws for the conveyance of land for park purposes and for cash-in-lieu payments
- Additional OP policies and by-laws are required to permit the reduction of cash-in-lieu payments for specified sustainability criteria, including:
 - Where this can be applied
 - Sustainable elements that will be credited
 - Exact cash value equivalent for each sustainable design element

Benefits

- May be a financial incentive to improve the sustainability of a redevelopment proposal
- Can support water conservation, air quality improvements and management of stormwater runoff
- Can promote energy conservation and efficiency of a redevelopment proposal

COMMUNITY IMPROVEMENT PLANS (CIPs) (s. 28)

For More Information

Ministry of Municipal Affairs and Housing Website:
ontario.ca/mah
ontario.ca/e-laws
 or contact your nearest Municipal Services Office (MSO):

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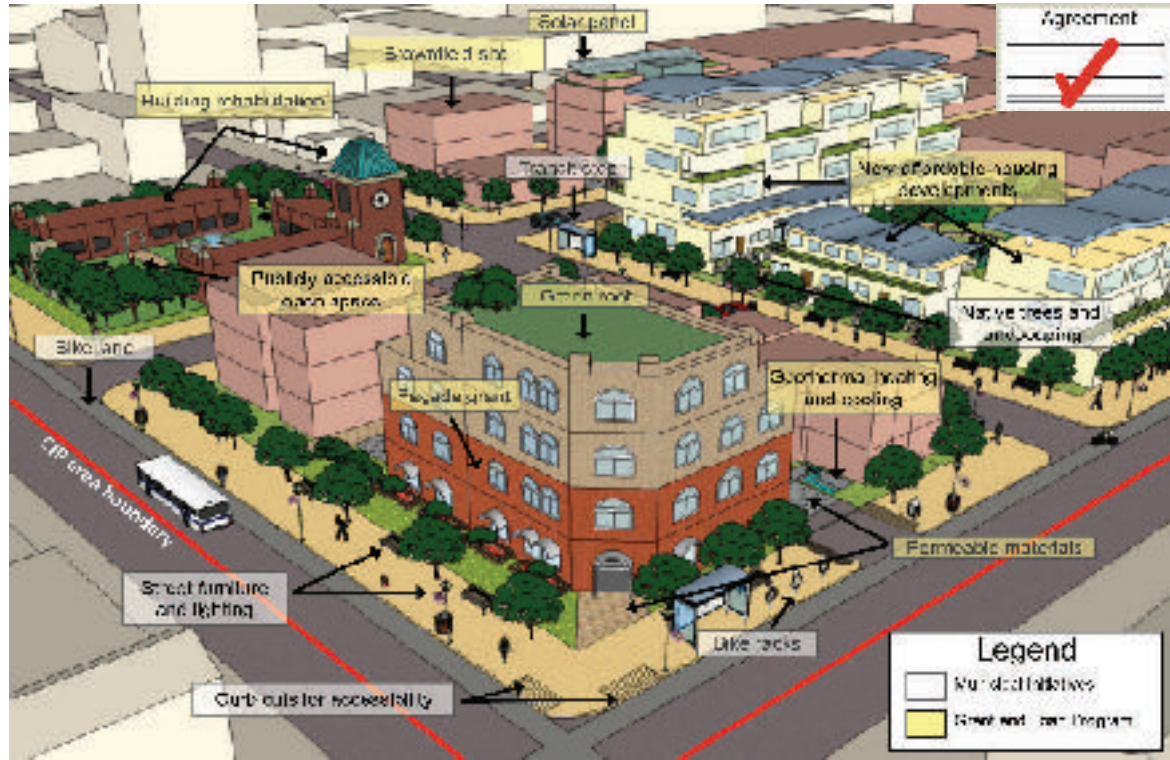
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Description of Tool

- Plans that focus on the maintenance, rehabilitation, development and redevelopment of targeted areas
- Optional tool, requires official plan (OP) policies and a by-law designating a CIP project area
- Prescribed upper-tiers (UTs) may adopt CIPs dealing with prescribed matters outlined in *Ontario Regulation 550/06*
- UTs and lower-tiers may participate in each other's CIPs
- Municipalities can make grants or loans within CIP project areas to help pay for certain costs, and can establish Tax-Increment-Equivalent Financing programs (TIEF)
- Allows for the registration of grant and loan agreements on title

Implementation

- Municipal councils must adopt OP policies and a by-law to designate a community improvement project area
- OP policies must specify municipal programs and incentives and their eligible works, improvements, buildings or facilities

Potential Benefits

- Can enable municipalities to provide grants and loans to stimulate private sector investment in targeted areas of the community
- Can promote revitalization and place-making to attract tourism, business investment and economic development opportunities
- May promote brownfield cleanup and redevelopment
- May make more effective use of existing community infrastructure

Produced by the Ministry of Municipal Affairs and Housing, Provincial Planning Policy Branch

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DEVELOPMENT PERMIT SYSTEM (s. 70.2 and O. Reg. 608/06)

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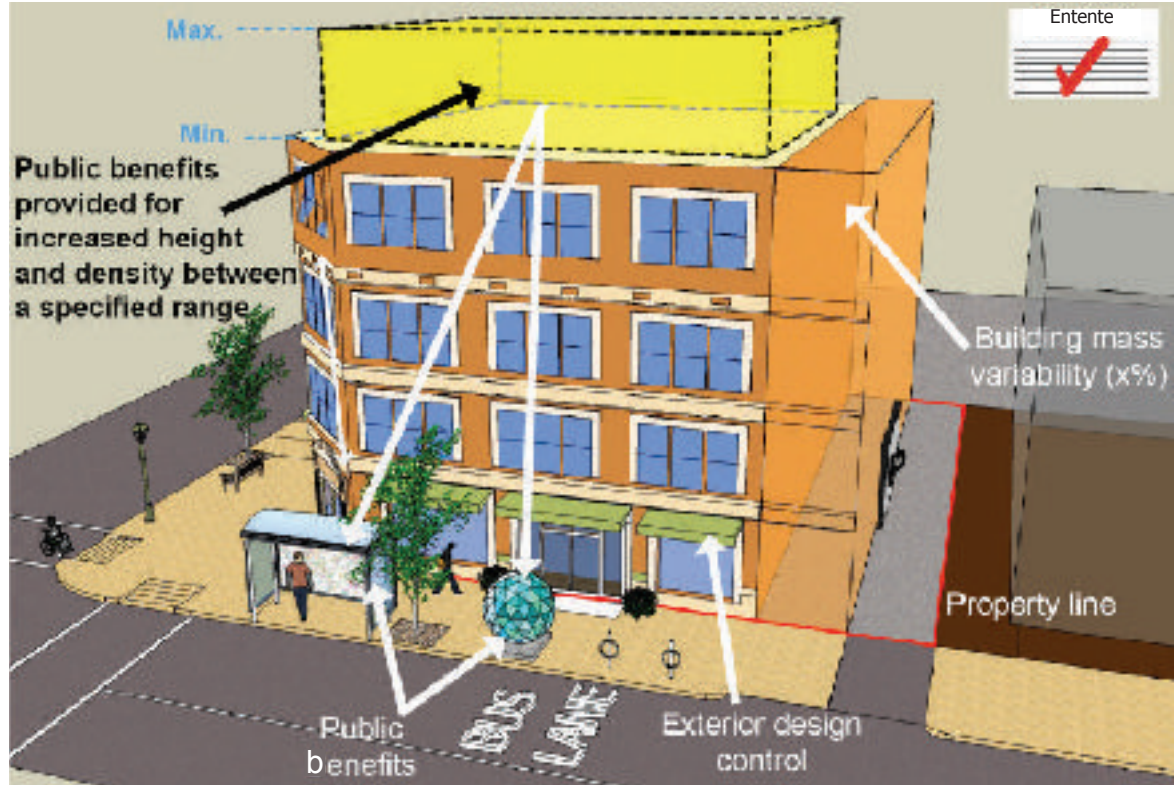
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Description of Tool

- Combines zoning, site plan control and minor variance into one streamlined application and approval process
- Optional tool that requires official plan (OP) policies and a development permit by-law
- Allows conditions (e.g. providing and maintaining landscaping to mitigate noise) which may be set out in agreements and registered on title
- Does not replace lot creation or the building permit processes

Implementation

- A Development Permit System (DPS) may apply to all or part of a municipality
- Community involvement and appeal rights are focused at the front end of the process in the development of OP policies and a development permit by-law
- Once the DPS is in effect for an area, it replaces the individual zoning, site plan and minor variance processes for the DPS area
- Timeline: when the complete application is received, the approval authority has 45 days to make a decision

Potential Benefits

- May enable conditions relating to the protection of public health and safety and the natural environment by requiring on-going monitoring agreements
- Can enable sustainable streetscape improvements on public boulevards adjoining development sites

EMPLOYMENT LANDS PROTECTION (s. 22, 34)

→ For More Information

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ontario.ca/mah
ontario.ca/e-laws
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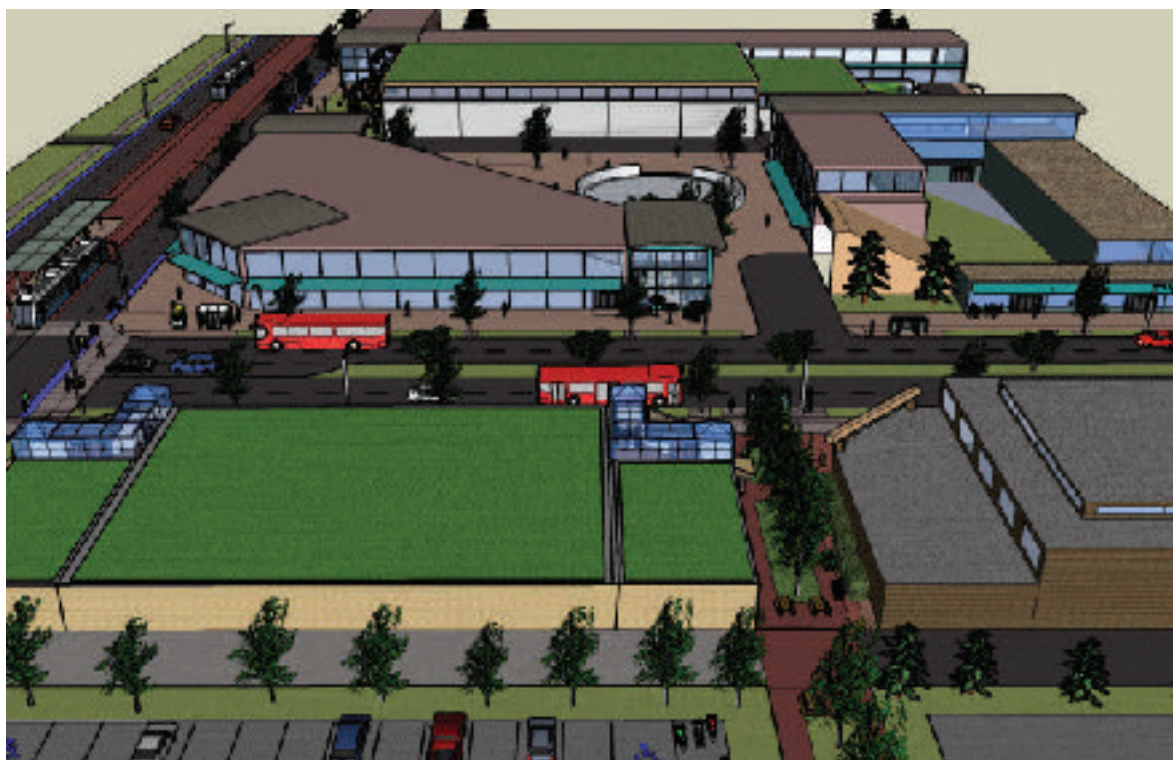
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Description of Tool

- Prevents appeal of a council refusal or non-decision on an application to re-designate/re-zone lands from employment uses to other uses, even if other lands are proposed to be added
- Appeals only allowed at the time of a 5-year official plan (OP) review

Implementation

- Municipal council must adopt OP policies dealing with employment lands and potential conversions to non-employment uses
- OP policies must be consistent with the Provincial Policy Statement (PPS), 2005 and conform to the more specific policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2006, as applicable

Potential Benefits

- Can support employment areas policies of the PPS
- Can support employment lands policies of the Growth Plan
- May provide municipalities with greater certainty and control when planning for employment
- Can help maintain a sufficient supply of serviced and ideally located (e.g. near transit, highways, ports, rail, airports) employment lands to accommodate future population, employment growth and economic development





Land Use Planning And Appeal System

June 19, 2012

Ministry of Municipal Affairs and Housing

Shift in the Planning System

Challenges

- Managing Growth & Congestion
- Preserving Green Space, Natural Resources & Agricultural Lands
- Directing Development Where Services & Infrastructure Are Available
- Sustainable Community Building, Built Environment
- Planning For A Resilient Economy

Stronger Provincial Direction

- Planning Reform – 2004 & 2007
- PPS 2005
- Greenbelt Plan
- Growth Plan



Planning Act Changes 2004 & 2007

Upfront Policies & Rules

- Updated Municipal Documents
- Stronger Review Standard
- New/Enhanced Municipal Planning Tools for Built Environment

Enhanced Consultation

- Pre-Consultation
- Complete Application
- Enhanced Public Notification
- Longer Timeframes

Dispute Resolution & Land Use Appeal Changes

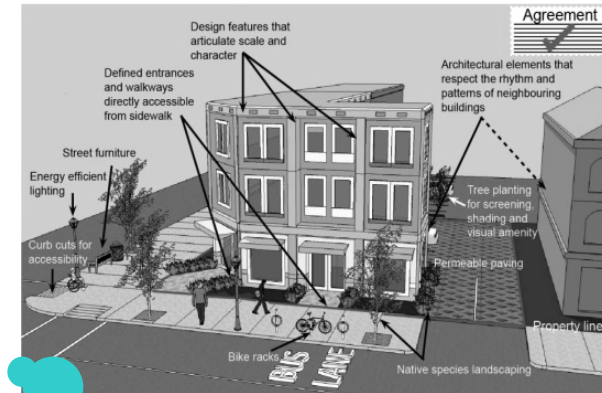
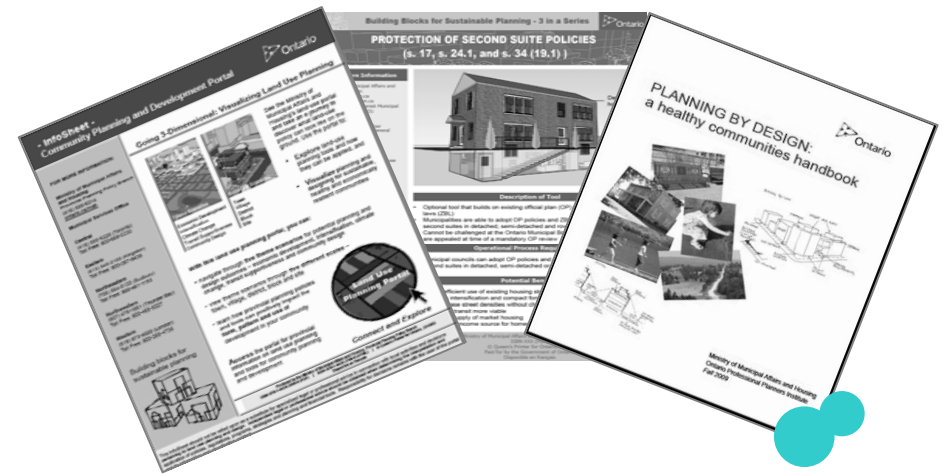
- Optional Local Appeal Bodies
- Recognition Of Municipal Role
- Limited Appeals
- Declaration of Provincial Interest

Land Use Tools for Healthy Communities

Shift in planning system provides a range of planning tools to support communities and built environment.

Planning Tools

- Minimum/Maximum Standards in Zoning By-laws
- Protection of Employment Lands
- Height and Density Bonusing
- Site Plan Control – Exterior Design Controls
- Development Permit System
- Community Improvement Plans



Development Permit System (DPS)

An alternative approval system that replaces all zoning. It is based on upfront rules so as to facilitate and streamline development, promoting community building, enhancing environmental protection and economic readiness.

- New framework which combines three processes into one (zoning, site plan, and minor variance)
- Optional new tool – municipalities may choose to use by adopting an official plan amendment and passing a development permit bylaw (with public input and appeal rights)
- Allows for both permitted uses and discretionary uses subject to criteria (setbacks, density, etc.), and a variation of minimum or maximum development within specified limits and can incorporate cultural heritage, urban design elements
- Once the DPS is in place, only the applicant can appeal decisions or non-decisions on development permit applications
- Any change to the official plan policies or development permit bylaw requires community involvement

DPS on the Ground



A patio could be permitted as a discretionary use
(conditions applied, avoiding zoning by-law amendment or a minor variance, site plan application)

Municipalities can secure sustainable streetscape improvements
(such as bicycle parking facilities & tree planting)

Snapshot: Land Use Appeals

A snapshot of Ontario Municipal Board decisions on planning matters from a sample cross section of municipalities (north, south, rural, urban):

Where

- The highest Board activity is in Southern Ontario
- In comparing large versus small municipalities across Ontario, large/urban centres experienced the majority of cases reviewed
- Community groups participated mostly in southern Ontario

What is Appealed

- “Approved decisions” (i.e. municipally adopted, passed or approved including provincial approvals) constituted 40% of appeals
- Majority number of community group appeals related to a municipal “approved decision”

Who Appeals

- Most appeals were generated by proponents
- Community groups generated about 25% of appeals
- Municipalities were involved in almost 80% of all Board hearings
- Community groups were involved, as either party or participant, in about 60% of cases

Experts

- Community groups retained an expert in approximately 40% of cases in which they were involved
- When community groups were successful, an expert(s) was generally retained

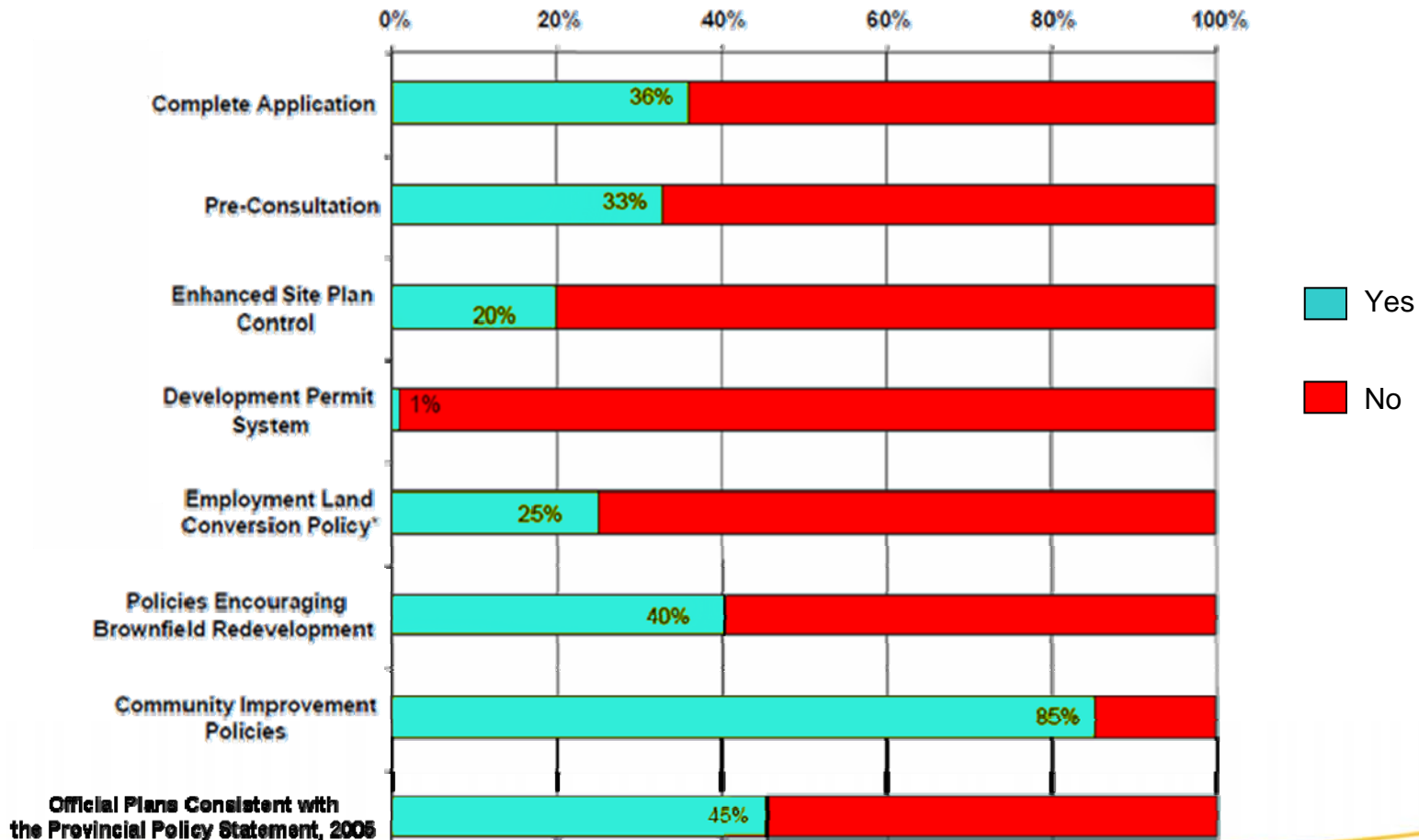
Application Types

- Zoning by-laws were appealed more often than official plans/official plan amendments and subdivisions/condominium applications

Decisions

- 48% of municipal approvals are maintained by the Board
- When a municipality refused or did not make any decision, the Board allowed the appeal 65% of the time
- 30% of all cases were subject to a settlement

Snapshot: Municipal Uptake of Planning Tools July 2011



PLACES TO GROW

BETTER CHOICES. BRIGHTER FUTURE.

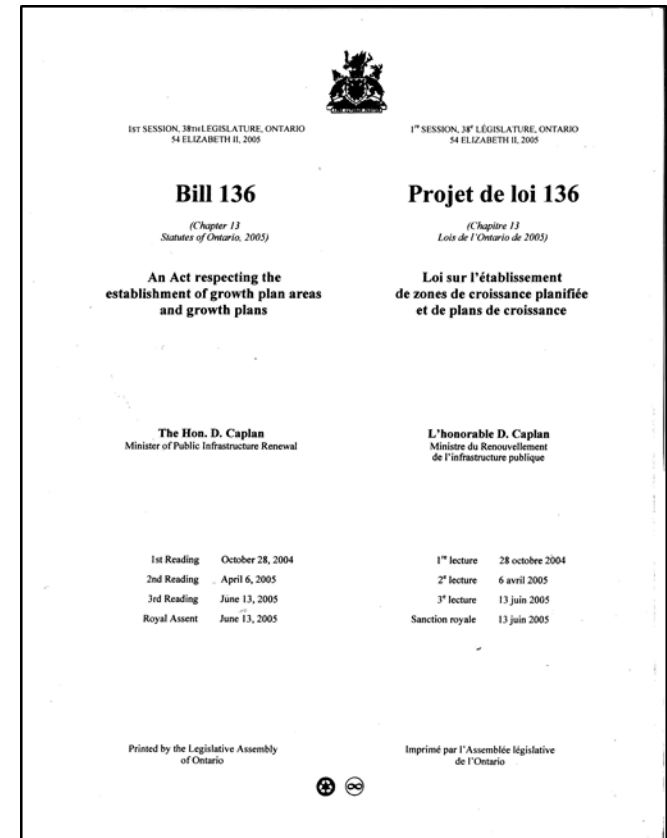
Implementing the Growth Plan for the Greater Golden Horseshoe

Victor Severino
Ontario Growth Secretariat
June 19, 2012

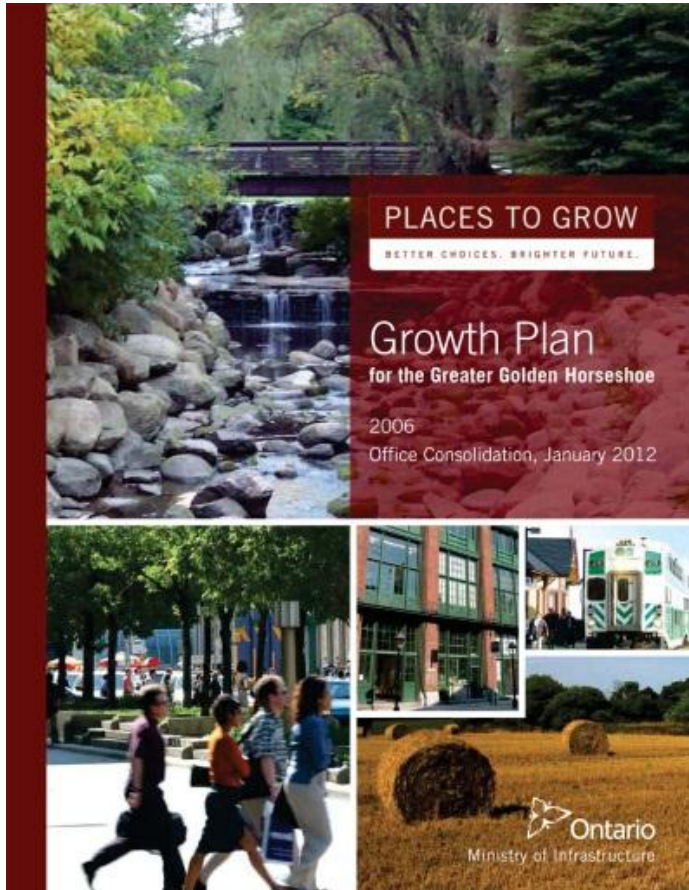


Places to Grow Act, 2005

- Enables the development of growth plans for any part of the province.
- All decisions under the Planning Act and Condominium Act, 1998 must conform to a growth plan's policies.
- Municipal Official Plans must be brought into conformity with a growth plan within 3 years.
- Two growth plans currently in effect: Growth Plan for the Greater Golden Horseshoe and Growth Plan for Northern Ontario.



Growth Plan for the Greater Golden Horseshoe, 2006



- **25-year plan** that establishes policies to:
 - Create complete, compact communities
 - Revitalize downtowns
 - Provide more housing options
 - Protect farmland and natural areas
 - Reduce gridlock by improving transportation options
 - Make more efficient use of infrastructure and urban land

Key Growth Plan Policies

Complete Communities

- Population and employment growth will be managed by encouraging the development of compact, mixed-use, transit-supportive, pedestrian-friendly urban environments.

Coordinated Growth Forecasts

- Schedules in the Growth Plan contain population and employment forecasts that municipalities are required to use for local planning.

Intensification

- New development will be increasingly accommodated through intensification in built-up areas.



Key Growth Plan Policies

Urban Growth Centres

- 25 downtowns identified as urban growth centres, to be high-density, transit-supportive, pedestrian-oriented, cultural and transportation focal points.
- Minimum density targets to be achieved by 2031.

Building Better Suburbs

- Greenfield developments will be built in a way that supports transit services, walking, biking, parks and a mix of housing and jobs.

Employment Areas

- Plan and protect employment areas for long-term economic use.
- Major office or appropriate institutional uses should be located in areas with frequent transit service



Key Growth Plan Policies

Infrastructure to Support Growth

- Transit is the first priority for moving people.
- Highway investment will focus on efficient goods movement.
- Community infrastructure (schools, health care facilities) to be coordinated with planning for population growth.



Protecting what is Valuable

- Complements the 1.8-million-acre protected Greenbelt.
- Limits on expansion of urban development into rural countryside and natural areas.
- The Growth Plan supports measures related to water and energy conservation, waste management and protection of cultural heritage.



How Are We Doing?



Curbing Sprawl



Revitalizing Downtowns



Creating Complete Communities



Increasing Transportation Choice

www.placestogrow.ca

Ministry Of Infrastructure

Ontario
MINISTRY OF INFRASTRUCTURE

Home | Growth Plans | Growth Plan for the Greater Golden Horseshoe, 2006 | How is the Growth Plan Working So Far?

Minister Bob Chiarelli

Places to Grow

- About
- Growth Plans
 - Growth Plan for the Greater Golden Horseshoe, 2006
 - Supporting Documents
 - How is the Growth Plan Working So Far?
 - Awards
 - Press Coverage
 - Growth Plan Release - June 16, 2006
 - Places to Grow Summit
 - Youth Engagement
- Growth Plan for Northern Ontario, 2011
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2011 marks the 5th anniversary of the Growth Plan for the Greater Golden Horseshoe, 2006 - Ontario's 25-year plan for managing growth.

How is the Growth Plan Working So Far?

The **Growth Plan for the Greater Golden Horseshoe, 2006**, is a 25-year framework to manage growth. It is a plan to promote healthy communities, keep the economy strong and protect the environment. The Greater Golden Horseshoe, with Toronto at its centre, is Ontario's fastest growing area. Every year this region continues to attract newcomers and new investments. The Growth Plan was put in place to ensure that the benefits of this population and economic growth are maximized, at the same time as minimizing negative impacts.

The following pages provide a glimpse into how the Growth Plan's policies are starting to shape this region after its first five years in place. It is early in the Growth Plan's implementation, and much work is still to be done in partnership with municipalities, community groups and the private sector to achieve the success of Canada's largest urban region.

Click on the links here or on the icons below to learn more about how the Growth Plan is working:

- Curbing Sprawl
- Revitalizing Downtowns
- Creating Complete Communities
- Increasing Transportation Choice

By creating and implementing the Growth Plan, the Province is creating the conditions for a strong economy and a healthy environment. To read more about these key objectives, click on the icons on the right hand side.

Growth Planning and the Economy
Good growth planning is essential for building a strong, resilient economy. Vibrant, well-planned communities offer a high quality of life and attract businesses and the skilled workers they employ.

Growth Planning and the Environment
Good growth planning is good environmental policy. Managing growth in the Greater Golden Horseshoe will protect Canada's best agricultural lands and valuable natural heritage.

The Province is also supporting the implementation of the Growth Plan through infrastructure planning and investment. [Learn more about Ontario's Long-Term Infrastructure Plan](#)

Curbing Sprawl | Revitalizing Downtowns | Creating Complete Communities | Increasing Transportation Choice

CONTACT | ACCESSIBILITY | PRIVACY | HELP

QUEEN'S PRINTER FOR ONTARIO | IMPORTANT NOTICES

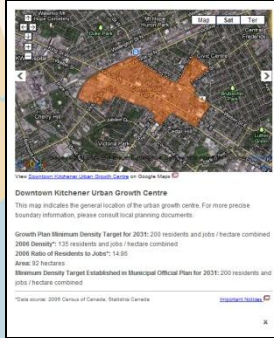
- Last Modified: May 06, 2012

Curbing Sprawl



- Planned greenfield residential **densities have increased** since 2006.
 - The increase is most evident in municipalities beyond the Greenbelt.
- **67%** of new residential units added to the region between June 2009 and June 2010 were located in the existing built-up area.
- A **significant supply of land is already designated** for future urban development in the Greater Golden Horseshoe. In the GTA:
 - 227,000 ha of existing built-up land
 - 51,800 ha of existing designated greenfield
- To accommodate urban growth to 2031, an additional 8,000 – 10,000 ha of rural and agricultural land will be redesignated for urban uses in the GTA.

Downtown Revitalization



Downtown Kitchener Urban Growth Centre

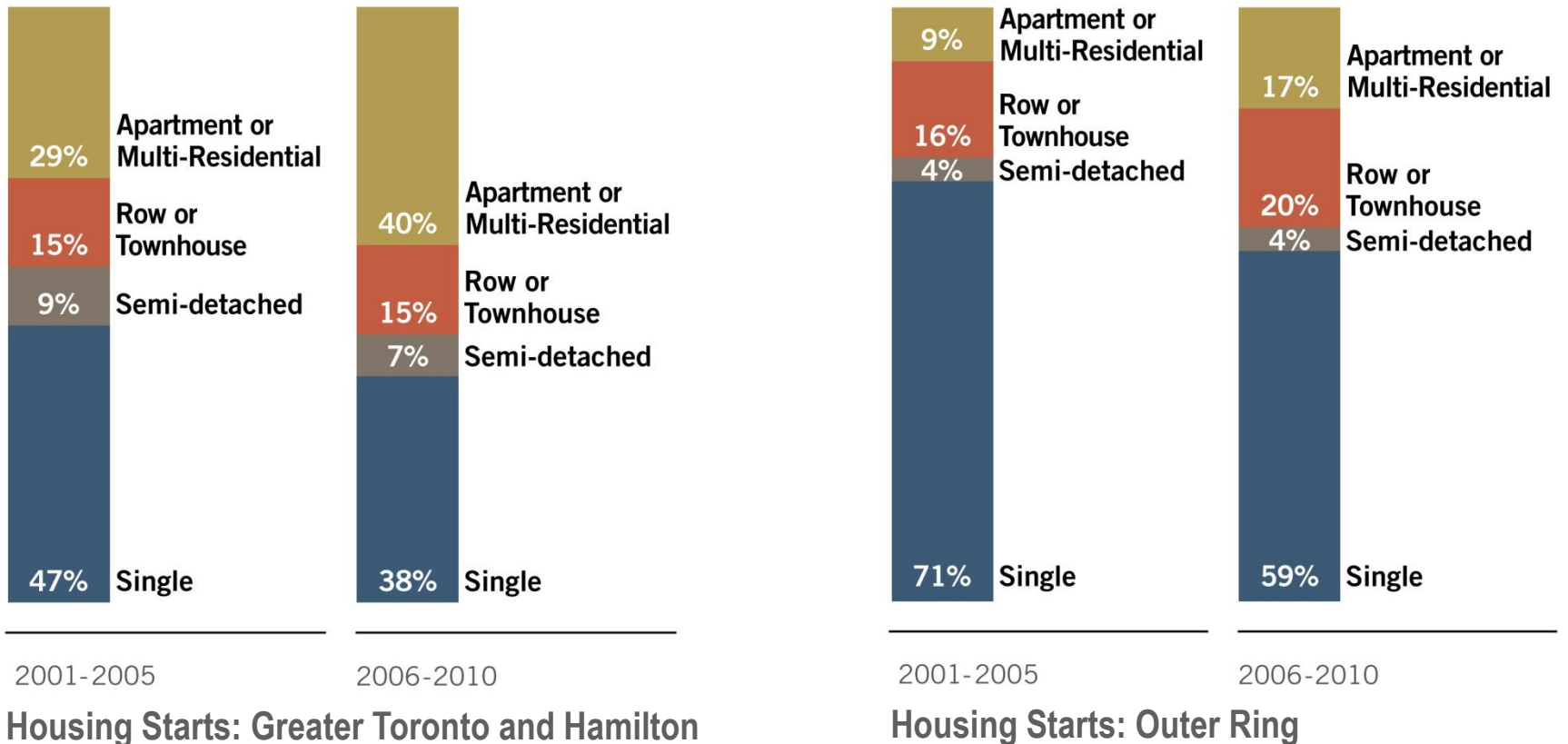


University of Waterloo School of Pharmacy

- All **25 urban growth centres** have been delineated in local official plans with applicable density targets.
- **New major office** development is evident in centres such as downtown Toronto, Kitchener and Markham Centre and anchoring others such as downtown Pickering.

Complete Communities

Since 2006, the mix of new housing types built throughout the Greater Golden Horseshoe has become more balanced.



Municipal Conformity Status

- All **Upper and Single-tier Municipalities** have adopted an official plan amendment to conform to the Growth Plan for the Greater Golden Horseshoe.

*The reason for appeals may not be related to the Growth Plan.

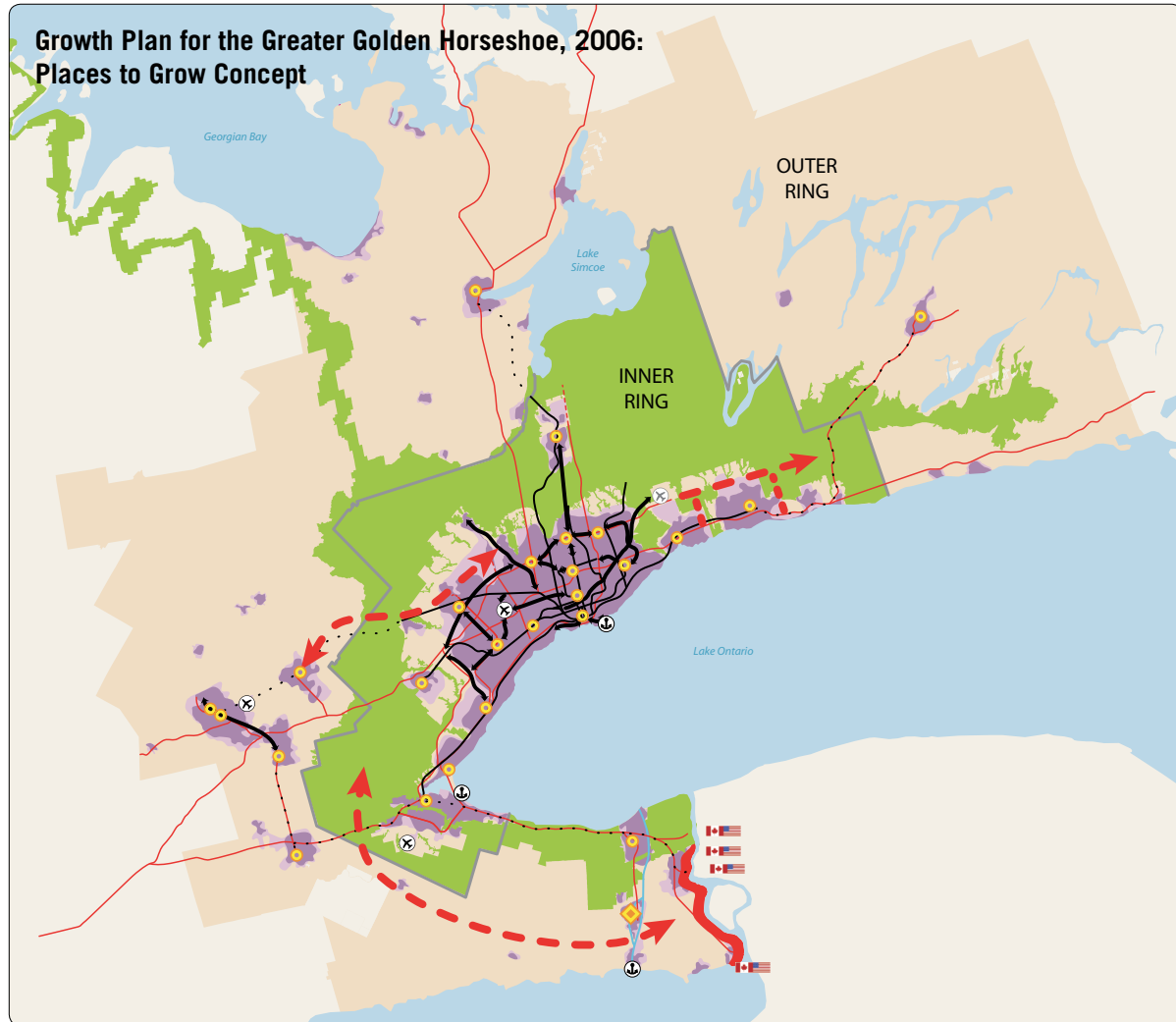
IN EFFECT	APPEALED*	AWAITING DECISION	OTHER
6	12	1	2
Counties of Peterborough, Wellington and Haldimand; and Cities of Brantford, Guelph and Peterborough	Regions of Halton, York, Durham, Peel, Niagara, Waterloo; Cities of Barrie, Toronto, Hamilton, Orillia, Kawartha Lakes; Simcoe County	County of Brant	Counties of Northumberland and Dufferin

Chart current as of February 7, 2012



Visit www.placestogrow.ca for more information

Growth Plan for the Greater Golden Horseshoe, 2006 Progress Report FIVE YEARS IN



Growth Plan for the Greater Golden Horseshoe, 2006

A 25-year plan that aims to curb urban sprawl, revitalize downtowns, create complete communities and increase housing and transportation choice.

The Greater Golden Horseshoe

Canada's largest and most populous urban region accounts for approximately 20% of Canada's GDP and 70% of Ontario's GDP. Its population is forecast to grow from 8.4 million in 2006 to 11.5 million in 2031.

Municipal Implementation

All upper and single tier municipalities have adopted an official plan amendment to conform to the policies of the Growth Plan for the Greater Golden Horseshoe.

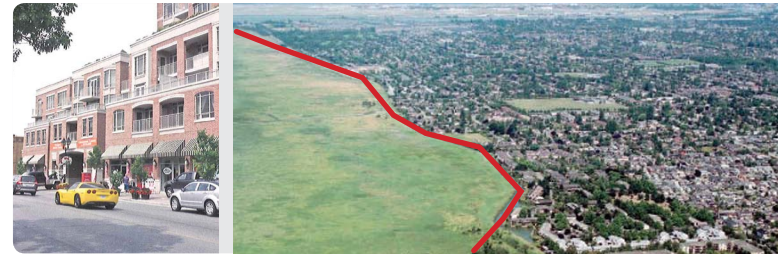
In Effect	Appealed*	Awaiting Decision	Other
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*The reason for appeals to the Ontario Municipal Board may not be related to the Growth Plan. Chart current as of February 7, 2012.

Key Findings

Curbing Sprawl

Intensification and downtown redevelopment are happening. Of the 63,000 new residential units added to the Greater Golden Horseshoe between June 2009 and June 2010, 42,000 – or 67% – were located in the existing built-up area.



Building Better Suburbs

Planned residential densities have increased in suburban developments since the Growth Plan came into effect. The increase is most evident in "Outer Ring" communities of the Greater Golden Horseshoe.



Providing Housing Choice

A shift toward a wider range of housing types is occurring across the Greater Golden Horseshoe. Many municipalities are reporting that development patterns are incorporating more apartments, condominiums and townhouses. A broader range of housing can better meet the needs of residents of different ages and income levels.



Revitalizing Downtowns

Investments in public institutions, parks and public spaces are leading revitalization efforts in many urban growth centres, for example in Oshawa, Mississauga and Kitchener. Major office development is picking up in some downtowns and starting to move back into others, for example in Markham Centre, downtown Toronto and downtown Pickering.

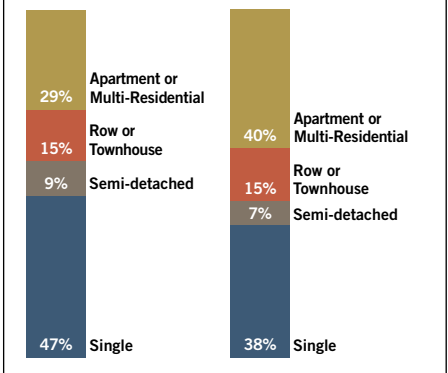


Increasing Transportation Choice

Transit ridership has been increasing steadily in the Greater Golden Horseshoe, from a low point of 526 million transit passenger trips in 2004 to 657 million transit passenger trips in 2009. Since 2006, the Province has invested approximately \$8.6 billion in public transit across Ontario, including \$4.1 billion in GO Transit.

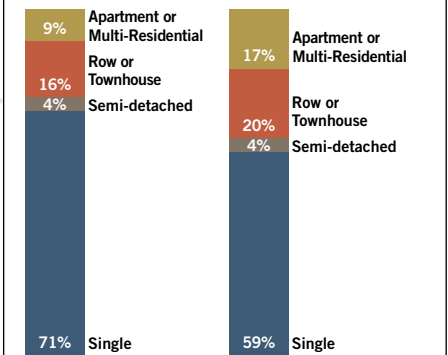


Inner Ring: Housing Construction Starts by Unit Type



2001-2005 2006-2010

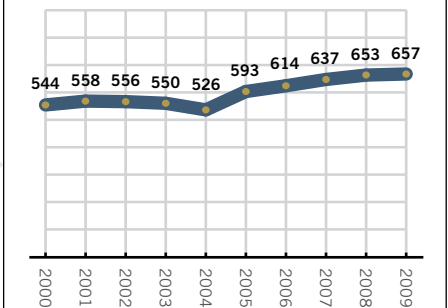
Outer Ring: Housing Construction Starts by Unit Type



2001-2005 2006-2010

The charts above are based on Census Metropolitan Areas.

Annual Transit Passenger Trips in the Greater Golden Horseshoe (in millions)



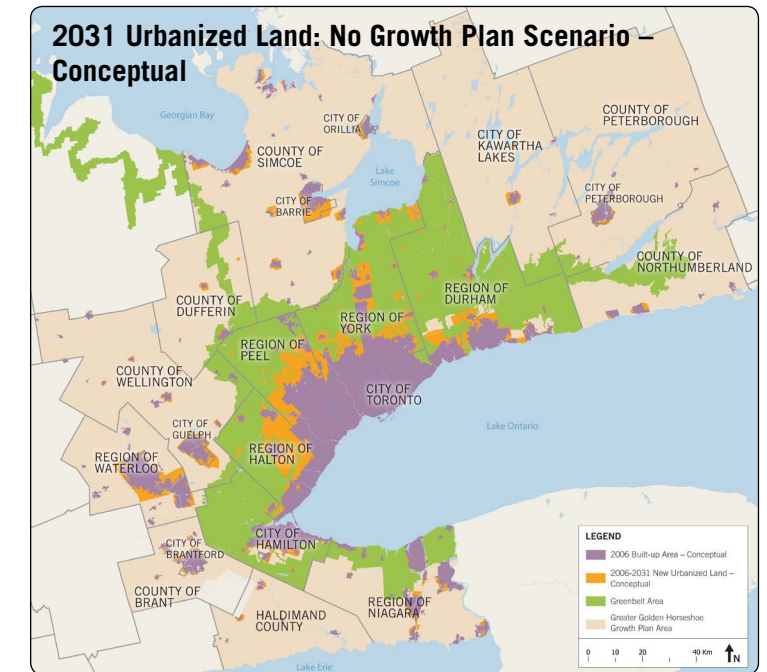
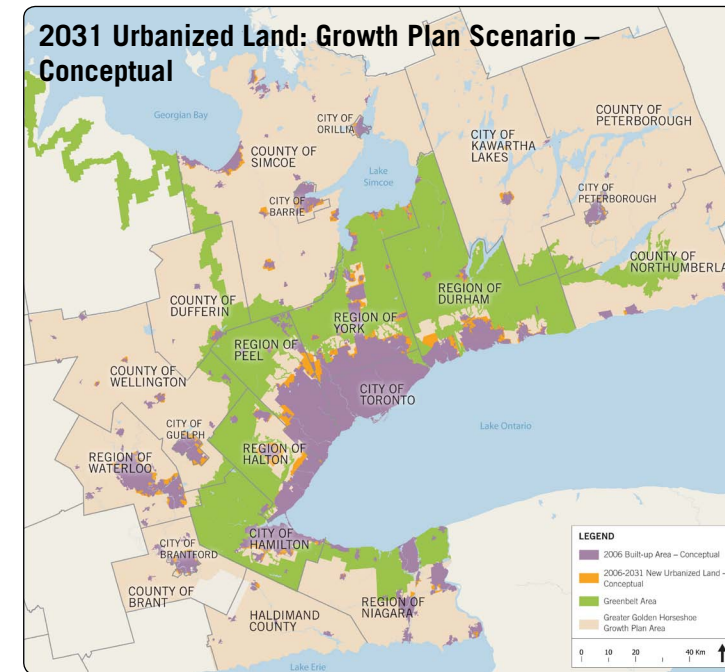
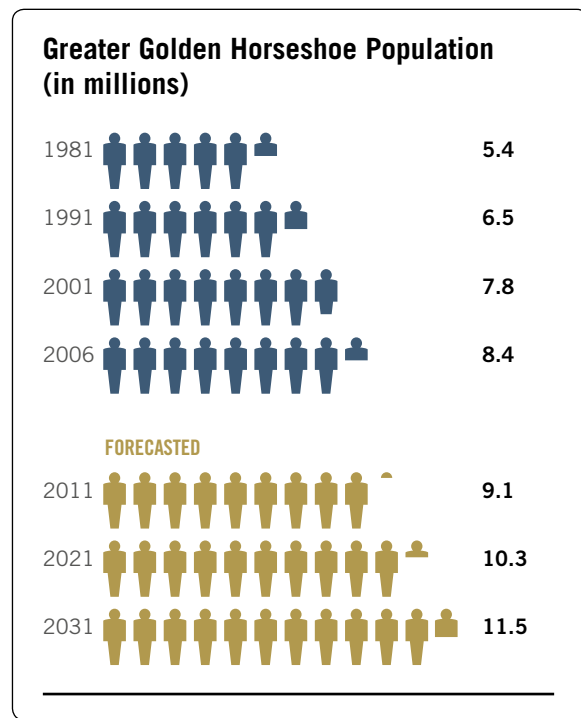


Visit www.placestogrow.ca for more information

Modeling Future Scenarios

Modeling the Growth Plan's Future Impacts

Computer modeling was undertaken to compare trends that would occur under a "No Growth Plan" scenario – as if the Growth Plan had never come into effect – with a scenario in which the land use and transportation policies of the Plan are fully implemented. Using the Growth Plan's forecasts, population growth was assumed to be the same in each scenario, and the model predicts how land development and commuter trips would differ in the future in each case. The findings provide a picture of alternative future trends and do not represent actual results after 2006.



The map above depicts modeling of conceptual future urban growth to 2031 based on the implementation of the Growth Plan for the Greater Golden Horseshoe, 2006. The map at right depicts modeling of conceptual future urban growth to 2031 based on development trends that existed prior to the Growth Plan for the Greater Golden Horseshoe, 2006. The maps are for demonstration purposes only and do not indicate or endorse the specific location, timing or approval of any lands or uses to be developed.

Note: The information displayed on the maps is not to scale, does not accurately reflect approved land-use and planning boundaries, and may be out of date. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenbelt Area boundaries, the Greenbelt Plan 2005 should be consulted. The Province of Ontario assumes no responsibility or liability for any consequences of any use made of the maps.

Curbing Sprawl to 2031

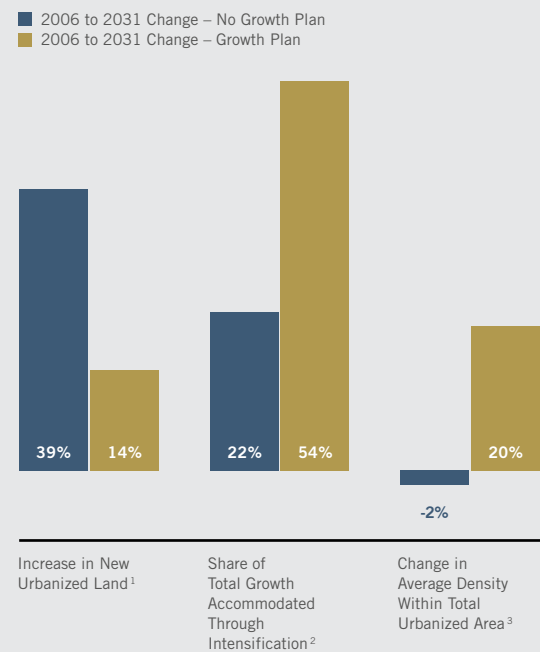
Computer modeling indicates that in a Growth Plan Scenario, by 2031:

- Approximately one-third the amount of greenfield land would be urbanized compared to a "no Growth Plan" development pattern.
- Conserving as much as 800 square kilometres of agricultural and rural land
- More than half of all development would occur through intensification within the built-up area, compared with less than one-quarter without the Growth Plan.
- Average urban densities, measured by people and jobs per hectare, would go up 20%.

Notes

- 1 New urbanized land is defined as lands that are built on beyond the Growth Plan's 2006 built boundary.
- 2 Intensification refers to the total number of people and jobs accommodated within the Growth Plan's 2006 built-up area.
- 3 Total urbanized area is defined as the Growth Plan's 2006 built-up area plus new urbanized land (see note 1 above).

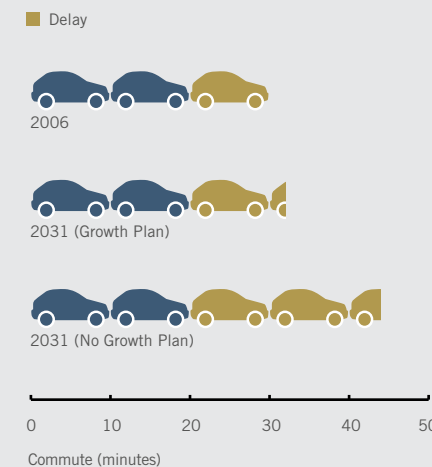
Differences in Projected Land Use Patterns: No Growth Plan versus Growth Plan Scenarios



Mitigating Traffic Delays to 2031

Traffic delays caused by congestion in 2031 would be worse in the absence of the Growth Plan. A sample commute that takes 30 minutes today would take 43 minutes in a "no Growth Plan" scenario.

Example of Projected Increases in Road Delay

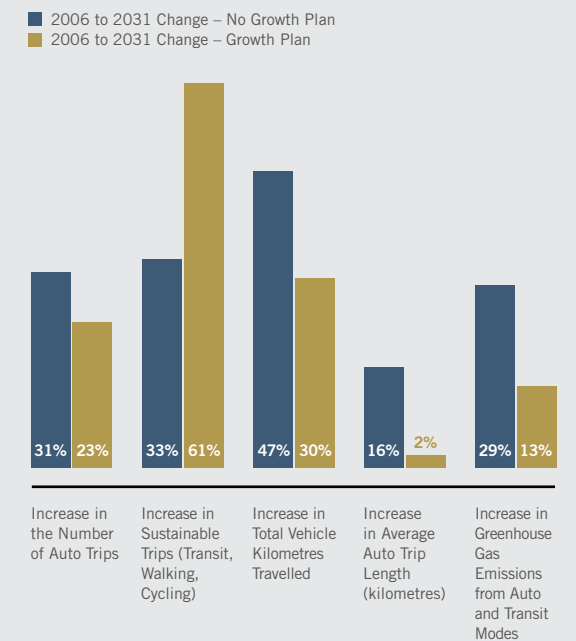


Increasing Transportation Choice to 2031

In both a Growth Plan and a no Growth Plan scenario, population growth in the region will result in more car trips, more vehicle kilometres traveled and an increase in average length of car trips. In the Growth Plan scenario, however, the outcomes are better: there are more "sustainable" trips, relatively fewer auto trips, fewer vehicle kilometres traveled and lower greenhouse gas emissions.

Note: All transportation figures reflect morning peak period (3 hour) travel data

Differences in Forecasted Changes to Travel Patterns: No Growth Plan versus Growth Plan Scenarios



Development Permit System



Disclaimer

- The information presented is provided as background information to facilitate understanding and implementation of the DPS.
- **The information provided should not be relied upon as a substitute for a review of Ontario Regulation 608/06.**

The Outline

1. What is the DPS?
2. Key Benefits / Features
3. Steps to Implementation
4. Using the DPS



What is the DPS?

- New development approval framework combines three existing processes into one
- *Optional* new tool – municipalities may choose to use
- Form of enhanced zoning which can include site plan matters, variation of development standards within specified limits and other key features
- *Does not* replace lot creation or building permit processes



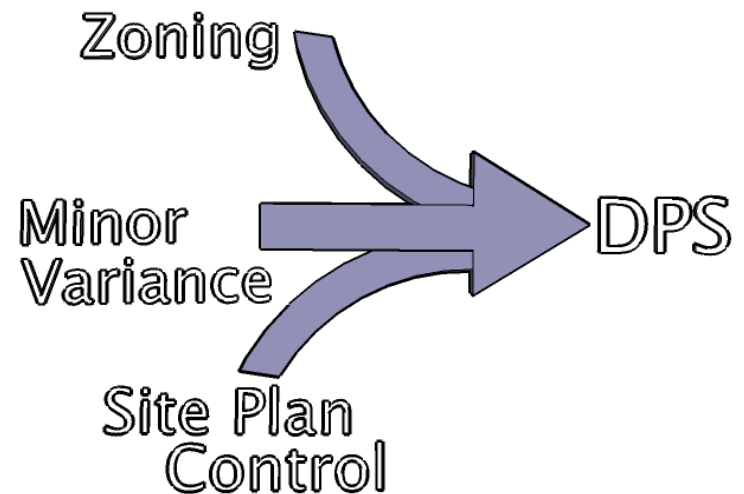
Overview of Key Benefits / Features

Streamlining

- The DPS combines three processes into one (zoning, site plan, and minor variance), thereby streamlining the overall application and approval process

Expedites development by:

- One application and approval
- Faster review timelines
- Ability to enhance application requirements
- Possible delegation of decisions on development permits to committee appointed by council or to a municipal employee



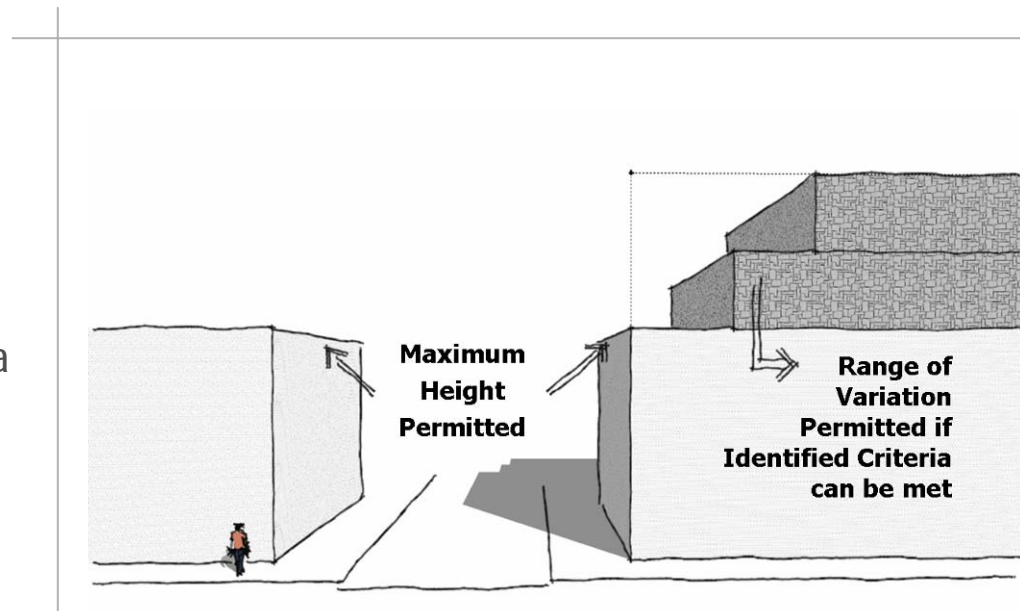
Overview of Key Benefits / Features

Flexibility

- The DPS allows for both permitted uses, and discretionary uses that may be allowed subject to criteria
- The DPS allows for variation of minimum or maximum development standards within specified limits

For example:

- Setback requirements could be varied based on unique characteristics of site without the need for a minor variance



Overview of Key Benefits / Features

Community Building

- The DPS allows for a broad range of conditions to be imposed *before* permit issuance (pre-permit) or on the *issuance* of a development permit (on-going), including conditions that can help municipalities build complete, healthy communities

For example:

- sustainable streetscape improvements
- provision of community facilities and services in exchange for the approval of certain heights and densities
- heritage preservation
- community/building design



Overview of Key Benefits / Features

Environmental Protection

- The DPS provides the ability to better protect the environment through: ability to identify discretionary uses; ability to apply a range of conditions; and the definition of “development”, which includes site alteration and vegetation removal

For example:

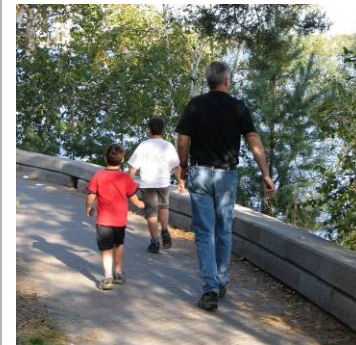
- Under the DPS, municipalities can require on-going monitoring of site conditions through the conditions attached to an approval (e.g., to monitor the quality of groundwater or the function of natural heritage features)
- Municipalities could require proposals involving the removal of vegetation to be subject to a development permit



Overview of Key Benefits / Features

Community Involvement

- With the DPS, community involvement is focussed up-front, in establishing the overall vision for the community.
- The community vision is incorporated into the DPS official plan policies and development permit bylaw
- Once the DPS is in place, only the applicant can appeal decisions or non-decisions on development permit applications
- Any change to the official plan policies or development permit bylaw requires community involvement
- The DPS policy and appeal structure provides increased certainty, transparency and accountability in the planning process



Steps to Implementation

- Council may *choose* to implement DPS in part, or all, of its municipality by adopting an official plan amendment and passing a development permit bylaw (with public input and appeal rights)
- Development Permits Regulation prescribes minimum contents for official plan DPS policies and development permit bylaw (which is passed under section 34 of the *Planning Act*)
- Process for adopting DPS official plan policies/passing development permit bylaw is similar to process for adopting other OPAs and passing zoning bylaws
- Municipality can issue development permits once official plan DPS policies and development permit bylaw are in effect
- While the DPS is being established (not in effect) existing zoning, site plan and minor variance processes continue to apply
- Once the DPS is in effect for an area, it replaces the individual zoning, site plan and minor variance processes for the DPS area.

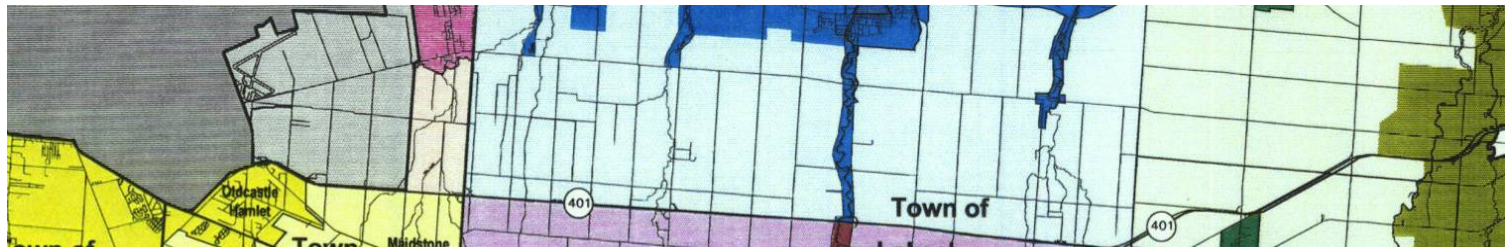
Official Plan: Contents

Regulation prescribes minimum contents. DPS Official Plan policies *must*:

- Identify DPS area
- Set out scope of any delegation of authority and limitations
- Describe municipality's goals, objectives, policies in proposing a DPS
- Set out *types* of conditions that may be included in development permit bylaw
- Set out *types* of criteria that may be included in development permit bylaw for evaluating discretionary uses/variations

DPS Official Plan policies *may*:

- Identify additional information and material requirements for a development permit application
- Exempt any class of development/use of land from the complete information and material requirements
- Include policies related to the provision of specified facilities, services, or matters in exchange for a specified density/height of development, or increases in density/height



DP Bylaw: Contents

Regulation prescribes minimum contents.
Development Permit bylaw *must*:

- Describe DPS area, which must be within the boundaries of the area identified in the official plan
- Set out and define permitted uses
- Set out minimum and maximum development standards
- Describe any internal review procedures for development permit decisions
- Describe notification procedures for decisions on development permit applications
- Describe process for amending development permits, development permit agreements and pre-existing site plan agreements
- Outline any conditions of approval
- Set out scope of delegated authority, including any limitations
- Exempt placement of a portable classroom existing on January 1, 2007 from the requirement for a development permit

Development permit bylaw *may*:

- Prohibit development/change in use without development permit
- Set out and define classes of development
- Set out possible range of variation from development standards
- Set out a list of classes or uses that may be permitted if criteria in the official plan and bylaw have been met
- Exempt any class of development/use of land from requirement for a development permit
- Set out criteria that shall be used in making decisions regarding development permits

Using the DPS – Scenario 1

Cultural heritage protection (ability to require technical studies to determine whether a proposed use is appropriate and conserves the heritage attributes of a heritage property)



Environmental protection (ability to impose ongoing monitoring conditions to ensure new development does not have negative impacts)

A patio could be permitted as a discretionary use (avoiding a zoning by-law amendment or a minor variance and site plan application)

Sustainability (conditions could be imposed with regard to permeable paving materials to allow for water recharge)

Using the DPS – Scenario 2

Maintain and improve the look of town centres through enhanced authority to consider a wide range of design issues such as exterior design details of buildings, massing, building scale, site layout, signage and landscaping

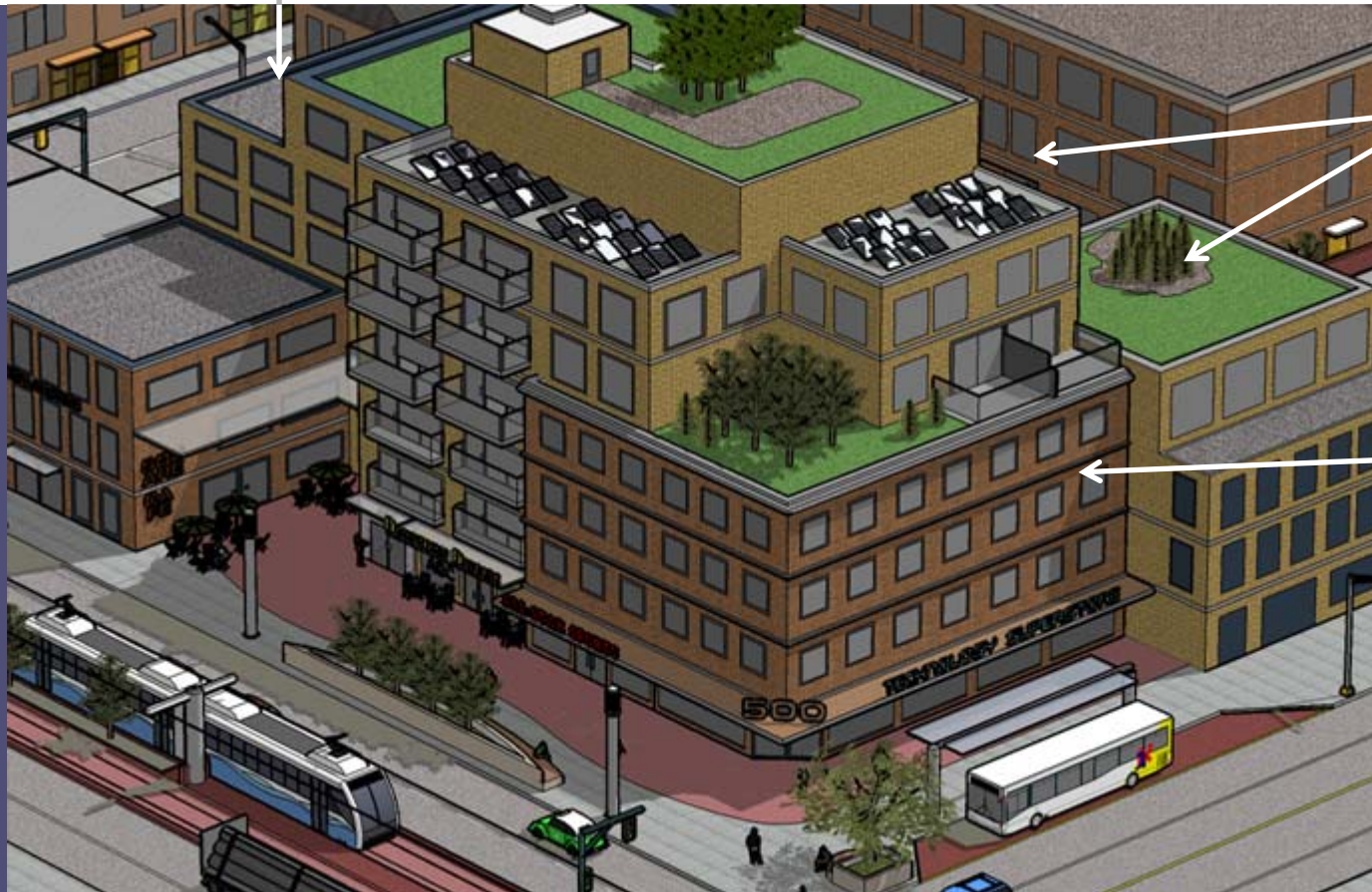


Provision of discretionary uses provided that certain criteria are met (a designated heritage industrial building adaptively reused for residential purposes)

With the DPS, municipalities can secure sustainable streetscape improvements such as bicycle parking facilities, which provide for alternative transportation opportunities

Using the DPS – Scenario 3

Flexible development standards (allows for a specified range of possible variation from established standards if certain conditions are met, such as stepping back of additional height to reduce shadowing)



Ability to secure external sustainable design features (green roofs / photovoltaic cells)

Authority to consider the exterior design details of buildings (such as architectural details, texture and window details)



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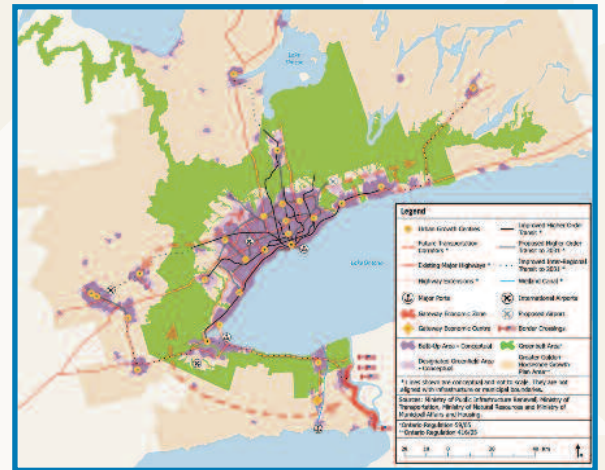
Implementing the Growth Plan

Growth Plan for the Greater Golden Horseshoe

- The Greater Golden Horseshoe is one of the fastest growing metropolitan areas in North America;
- The Provincial Government's Growth Plan is a long-term economic, environmental and social strategic plan that provides regional and municipal opportunities to evaluate and prepare for future economic expansion;
- With a focus on economic expansion, targeting infrastructure investment and transportation system improvements, the Growth Plan is also a sustainable model for environmental protection through the maximization of limited resources and directing growth away from provincially significant environmental features.

Where to Grow & How to Grow

- The Growth Plan seeks to revitalize downtowns and create complete communities that offer more options for living, working, shopping and playing;
- The Provincial Government's Growth Plan is a strategic plan to increase densities for new greenfield growth while focusing a significant portion of new growth in existing urban areas such as downtowns and around transit stations.



Source: Ontario Growth Secretariat

Intensification and Sustainable Development

- Higher density communities typically offer better value for infrastructure investments and offer a healthier lifestyle by reducing auto dependence while promoting a broad mix of land-uses;
- Intensification can accommodate growth into existing urban lands while reducing pressure on natural areas and farmlands;
- Intensification seeks to reduce gridlock by improving access to a greater range of transportation choices;
- Local governments must plan for a full range of housing and employment options and choice in developing complete communities;
- Identifying lands for strategic future growth will protect the Greenbelt over the long-term from urban expansions.

Where We Are Today

- Official Plans were scheduled to be provincially approved and in conformity with the Growth Plan by June 2009 – today some regional official plans still have not been finalized;
- Local political and community resistance to intensification continues to be the most significant roadblock to the ultimate success of the growth plan. NIMBYism often slows down approvals and can result in reductions in density;
- We need to strengthen economic development through growth planning to attract global investment to the Greater Golden Horseshoe and Ontario;
- Regulatory process and inertia have created land supply shortages for the family housing sector and are limiting construction activity;
- Difficulties achieving 50 residents and jobs per hectare, especially with certain employment facilities;
- Difficulty maintaining housing affordability and choice.



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Tools to Support

Infrastructure Challenges

- Planning time horizon to 2031 does not allow for long-term infrastructure planning and predictability. New population and employment numbers currently being consulted on should include a larger time horizon;
- Intensification is an opportunity to maximize existing infrastructure assets. However, existing infrastructure does not always have excess capacity to support additional density. Investment is often required, especially in older communities with aging infrastructure;
- Province must make significant transit infrastructure investments to support intensification;
- Metrolinx intends to develop a long-term investment strategy to implement the 25-year transit plan for the Greater Golden Horseshoe. New revenue tools will be required to successfully implement the transit plan, yet the public appetite for potential new taxes, fees and charges will be a significant challenge;
- Transit planning must support land-use planning and vice-versa. Municipalities should be required to pre-zone for higher densities along existing and future transit corridors. Investment from the new housing and development industry is critical to support densities and longer-term transit operations through increased ridership.

Whitebelt Lands

- The whitebelt acts as a buffer between currently designated lands for growth and the greenbelt. It is of critical importance for future economic expansion and will house significant infrastructure resources;
- The provincial government must continue to clarify the status of the urban reserve whitebelt lands for purposes of long-term strategic planning;
- Municipalities have financed existing infrastructure based on forecast development charges revenue and assessment growth in the long-term strategic whitebelt lands;
- A recent report by the *Friends of the Greenbelt Foundation* suggests that if the Growth Plan is successful, that the whitebelt should suffice to accommodate urban development for several generations;
- There are currently 58,696 ha of land available beyond currently designated lands for urban expansion in the whitebelt.

Tools to Support Intensification

- The provincial government should support and encourage brownfield redevelopment through both regulatory and fiscal policy;
- Encourage the use of Tax Increment Financing (TIFs) by municipalities to pay for new or upgraded infrastructure through the increase in property tax revenues induced by the infrastructure project;
- The provincial government should continue to support a strong independent land-use planning tribunal focused on evidence based planning. Intensification is often controversial and can bring about conflict between competing interests in many jurisdictions. The OMB will become even more essential to ensure provincial policies rather than local political considerations are adhered to at the municipal level.



Intensification

Reducing the Regulatory Barriers to Intensification



- As-of-right zoning:
 - Pre-zoning for higher densities in Urban Growth Centres and along transit corridors;
 - Reduces red tape and expedites approvals process;
 - Creates broader certainty both for community residents and development proponents;
 - Supports the objectives of the growth plan by encouraging private investment and enhances the viability of transit;
 - OHBA is concerned many sites are intentionally left under-zoned to ensure municipal councils can maximize control through the approvals process and to extract financial off-sets (i.e. sec 37);
 - Under-zoning fuels NIMBYism by setting false expectations for future densities.
- Parkland Dedication policies should be reviewed at both the provincial and municipal level:
 - With little land available on intensification sites for parkland dedication, developers are required to pay cash-in-lieu of land. Due to outdated cash-in-lieu of parkland formulas and the higher property values found in already urbanized areas, parkland policies are a significant barrier to intensification in municipalities without alternative local parkland dedication policies;
 - Allowing for creative solutions such as green roofs, green infrastructure and lands ceded to conservation authorities to qualify as substitutes for parkland dedication requirements;
 - Playing fields could be located on flood plains and parkland could be integrated into natural heritage systems.
- Parking standards are a barrier to intensification:
 - Municipal parking requirements often require large areas of surface parking, which reduces overall densities and reinforces car dependency;
 - Higher density sites in urban areas are required to dig multiple levels of underground parking regardless of market demand which significantly increases costs and project complexity. Parking requirements typically do not reflect site-specific conditions and should be flexible to encourage density and transit use.
- Encourage secondary suites both as an affordable housing opportunity and as a method to marginally increase densities in established communities.
- Encourage and reduce regulatory barriers to support the adaptive reuse of existing buildings.
- Municipalities should expedite and streamline the approval process for intensification projects.
- Municipal engineering standards:
 - Standards for the width of public ROWs should be reviewed to make streets narrower;
 - Greater flexibility to locate utilities under the sidewalks or roads in greenfield projects.
- Public Land Takings:
 - OHBA is concerned that increasing “public land takings” are reducing lands available for development within the growth plan area;
 - OHBA recommends the government modernize standards for public facility allocation in new developments to reduce public land requirements. A new public facility planning model is required to be consistent with growth planning principles;
 - Municipalities should be encouraged to share site facilities in ‘community hubs’ that can efficiently utilize spaces including schools, libraries, community centres and school yards;
 - Municipalities should create dual use park and schoolyard facilities;
 - The province should utilize an ‘urban lens’ for public policy decisions impacting growth targeted lands.
- The province should separate employment lands from density targets as many employment uses are not land intensive, yet yield important economic functions.



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- Chatham-Kent
- Greater Dufferin
- Durham Region
- Grey-Bruce
- Guelph & District
- Haldimand-Norfolk
- Haliburton County
- Hamilton-Halton
- Kingston-Frontenac
- Lanark-Leeds
- London
- Niagara
- North Bay & District
- Greater Ottawa
- Peterborough & the Kawarthas
- Quinte
- Renfrew County
- Sarnia-Lambton
- Saugeen Country
- Seaway Valley
- Simcoe County
- St. Thomas-Elgin
- Stratford & Area
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- Thunder Bay
- Waterloo Region
- Greater Windsor

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Places to Grow

Implementing the Growth Plan

Distribution of Population and Employment for the Greater Golden Horseshoe 2001-2031

(Figures in 000s)

	Population				Employment			
	2001	2011	2021	2031	2001	2011	2021	2031
Region of Durham	530	660	810	960	190	260	310	350
Region of York	760	1,060	1,300	1,500	390	590	700	780
City of Toronto	2,590	2,760	2,930	3,080	1,440	1,540	1,600	1,640
Region of Peel	1,030	1,320	1,490	1,640	530	730	820	870
Region of Halton	390	520	650	780	190	280	340	390
City of Hamilton	510	540	590	660	210	230	270	300
GTAH TOTAL**	5,810	6,860	7,710	8,620	2,950	3,630	4,040	4,330
County of Northumberland	80	87	93	96	29	32	33	33
County of Peterborough*	56	58	144	149	16	17	60	60
City of Peterborough*	74	79			37	41		
City of Kawartha Lakes	72	80	91	100	20	23	25	27
County of Simcoe*	254	294			85	102		
City of Barrie*	108	157	583	667	53	77	230	254
City of Orillia*	30	33			16	17		
County of Dufferin	53	62	71	80	19	22	25	27
County of Wellington*	85	91	269	321	36	41	137	158
City of Guelph*	110	132			63	76		
Region of Waterloo	456	526	623	729	236	282	324	366
County of Brant*	35	39	157	173	16	17	67	71
City of Brantford*	94	102			39	45		
County of Haldimand	46	49	53	56	17	19	19	20
Region of Niagara	427	442	474	511	186	201	209	218
OUTER RING TOTAL**	1,980	2,230	2,560	2,880	870	1,010	1,130	1,240
TOTAL GGH**	7,790	9,090	10,330	11,500	3,810	4,640	5,170	5,560

Source: Ministry of Infrastructure – Schedule 3 – Growth Plan for the Greater Golden Horseshoe

*Separate forecasts for these municipalities
for 2021 and 2031 will be determined.

**Totals may not add up due to rounding.



Ontario Municipal Board

Evidence Based Planning Decisions
Taking local politics out of planning



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What is the Ontario Municipal Board?

- The OMB is an **independent tribunal** appointed by the Province of Ontario that hears appeals on a wide range of municipal and land related matters.
- The quasi-judicial board reviews development applications (e.g. zoning amendments) based on the public interest and the planning merits in regard to provincial policies such as the Planning Act, Greenbelt, Growth Plan and Provincial Policy Statement.
- This is in contrast to many local planning decisions that are based on short-term political situations rather than on good planning and on the **merits of the development application**.

Why is the OMB critical for evidence based planning?

- Extensive due diligence is required for any planning application in the context of municipal official plans, water and waste water capacity, the Provincial Policy Statement, Growth Plan, Secondary Plans and all other relevant legislation, regulations and by-laws.
- Whenever there is a development proposal, regardless of the level of research, consultation with municipal staff and elected representatives, number of public meetings, and the planning merits of the project - every application comes down to a **political vote** at council.
- This is why the OMB is so critical - ultimately it serves to **de-politicize the application**.

Why is the OMB critical for communities & consumers?

- A council decision based on short-term thinking doesn't necessarily serve the public interest or lead to the best **long-term planning outcomes** for growing communities across Ontario.
- These long-term planning-based decisions help to ensure that we continue to build and sustain **affordable and livable communities** in which to live, work and play.
- During a board hearing, it is the expert testimony of professional city planners that plays the most pivotal role in a board decision.
- **Local political resistance** (NIMBYism) to intensification, social housing and special needs housing could limit housing supply. This would negatively impact housing affordability, limit provincial efforts to build sustainable communities and reduce housing options for Ontario's most vulnerable citizens.

What is the main reason for OMB appeals?

- There is a planning disconnect in many municipalities between provincial policies and local policies.
- Out-dated local zoning is the main contributor to this disconnect and leads to many unnecessary applications for zoning by-law amendments and inevitably appeals to the OMB.
- Intensification policies mandate that we "build up" rather than "build out" - some residents and local councilors oppose this, resulting in OMB appeals.
- Constant amending of by-laws ensures a steady flow of appeals to the OMB. Intentional restrictions on height density exist for the purpose of negotiating benefits when by-laws are amended.

Ontario Municipal Board

Evidence Based Planning Decisions
Taking local politics out of planning



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OHBA Urges Caution with Respect to Provincial Changes to the OMB.

- The OMB is essential to ensure provincial land use policies are achieved and is a critical component of the **implementation** process for the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.
- Without a strong and independent OMB, provincial policies and objectives for land-use planning will be difficult to achieve due to local political resistance to changes within existing communities.
- The court system would become the arbitrator of planning related disputes without the OMB.
- Unpredictable decisions that do not serve the public interest could be the result of the elimination of a tribunal that specializes in planning law.
- The possibility that any application may be appealed to the OMB influences both private and public sector practitioners to ensure the integrity of their work is at the highest level.
- Without an OMB, planning decisions could be reduced to councilors own **political calculations**.

Why is the OMB critical for communities & consumers?

- The **OMB is not unique**, other appellant bodies are common across North America.
- Appeals resulting from a council's neglect to render a decision typically account for a plurality of cases.
- Between 2000 and 2006, the OMB referred to expert testimony in 70% of cases.
- Contrary to popular media perception that the OMB most often sides with developers, independent research found that the **OMB bias most often favours expert testimony of city planners** as they are considered to have greater autonomy than their private-sector counterparts.
- Independent research from the University of Toronto's Institute of Municipal Finance and Governance finds that the OMB sides most often with the expert testimony provided by city planners - "while the OMB does decide on occasion in favour of developers despite city planners objections, the city fares much better when opposing development city planners reject. In addition, the city fares horribly when city planners support a development it [city council] opposes."
- On 25 occasions, from 2000 - 2006, Toronto City Council ignored city planning support when rejecting development proposals. The city subsequently fared very poorly in all those cases at the OMB.
- Proposals live or die at the board based on the strength of the **planning rationale** supporting them.

Quotes

- Aaron A. Moore, University of Toronto, *"despite the fact, the OMB seems to relieve tension over development more often than it generates it, people's perception of the board's role in planning results in debates over its very existence."*
- Christopher Hume, Toronto Star reporter & once vocal critic of the OMB, *"over and over, people have complained that the OMB is 'undemocratic' and its members unelected. That, of course, is exactly the point. That's why it can make the decisions it does. In theory, at least, it is above the fray and apolitical. It deals with facts, not emotions."*



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BUILDING A GREATER GTA

Building Industry and Land
Development Association



Hamilton-Halton
Home Builders'
Association

July 8, 2013

Bruce McCuaig
President & CEO, Metrolinx
20 Bay Street, Suite 901
Toronto, Ontario M5J 2N8

Re: Metrolinx Investment Strategy

The Ontario Home Builders' Association (OHBA), the Building Industry and Land Development Association (BILD) and the Hamilton-Halton Home Builders' Association (HHHBA) are disappointed that the Metrolinx 'Big Move' Investment Strategy makes transit-oriented communities less affordable by imposing additional charges, levies and taxes on new home buyers and new businesses. We strongly oppose the proposed revenue (tax) tools which disproportionately target new home buyers and new businesses across the GTHA. This is an inequitable and unfair approach that will embed the cost of infrastructure, meant to last upwards of 75 years, into the amortized mortgages of new home purchasers or onto the costs of new employment centres. The new housing, land development and professional renovation industry will vigorously oppose an investment strategy, which includes, substantial changes to the Development Charges Act and an additional new one per cent regional sales tax that will erode affordability of new homes, mixed-use communities and new employment centres across the GTHA.

Previous Industry Recommendations

In our original submissions to Metrolinx, the industry recommended a variety of revenue tool options and a re-allocation of provincial and municipal priorities that we thought were appropriate, equitable and fair. OHBA, BILD and HHHBA are disappointed our advice was not heeded, but wish to briefly reiterate our primary recommendations:

- Fiscal tools should be appropriately partnered with planning tools to support intensification as well as ensuring municipal policies, including zoning by-laws and official plans, are up-to-date;
- "Land value sharing" with specific conditions and pre-zoning at appropriate densities;
- *Reduce* development charges in specific locations as an incentive to drive transit-oriented development around transit stations and corridors;
- Implement an income tax/employer payroll tax applicable to residents of the GTHA and an increase in property tax, applicable to all Ontarians;
- Direct partnerships between Metrolinx and the private sector to leverage additional value in mobility hubs and transit corridors;

- Leverage additional value through the development of public land holdings;
- Advocacy for the federal government to implement a National Transit Strategy;
- Continued investment in transit from the general (and progressive) provincial tax base;
- Parking space levy applied to public parking facilities;
- Increase provincial allocation from existing gas tax to municipalities or to Metrolinx;
- Recognition of current financial contributions of development industry through our consumers to municipal and provincial transportation infrastructure;
- Support for Tax Increment Financing in areas immediately surrounding stations and corridors;
- Shift public policy priorities so that existing ‘money-in-the-system’ is reallocated as a ‘transit-first’ public policy priority (i.e. shift portion of cash-in-lieu of parkland fees to transit).

An Inequitable and Unfair Approach to Generating Revenue

While the Metrolinx Investment Strategy suggests that the average resident of the GTHA will pay \$477 in new taxes, charges and fees; new home buyers and new businesses will take on costs that are completely disproportionate to existing residents and businesses. For example, for a new home buyer in Markham, the Metrolinx Investment Strategy could add up to \$15,000 in new charges. This is on top of the \$118,400 in average government imposed charges already included in the price of a new home across the GTHA. In fact a recent report by the Altus Group found that on average, government imposed charges represented 23 per cent of the cost in new low-rise communities and 20 per cent of the cost in new high-rise communities.

New home buyers and new businesses are already paying their fair share. We estimate new home buyers and new businesses paid more than \$1 billion in Development Charges in the GTA to municipalities in 2012 alone for the construction of growth related infrastructure. OHBA, BILD and the HHHBA contend that there is no new money to be found in a system where nearly one quarter of the price of a new home can be attributed to taxes, charges and fees.

Industry as a Partner / Re-Allocating Resources in a ‘Transit-First’ Approach

In an OHBA submission, and subsequent BILD submission, to Metrolinx in April 2013, we had stated that the residential construction industry is a key partner for the government to achieve the objectives of Metrolinx. Our industry provides new residents/businesses and transit riders to both new, and existing, transit lines by constructing new homes, condos and mixed-use developments at appropriate densities and brings new population and employment opportunities to serve transit corridors and mobility hubs. The industry has further recommended that Metrolinx take a more active role supporting intensification and transit-oriented development in *Mobility Hubs* and in the immediate vicinity of transit stations and corridors. We noted that there were significant opportunities to shift government priorities through a modernization of planning and fiscal tools to re-allocate resources already in the system to a ‘transit-first’ approach. We are disappointed that rather than strengthening its role as a

partner to industry in actively supporting complete communities and transit-oriented development, the Metrolinx Investment Strategy is a taxes, tolls and tariffs report that specifically targets the new housing and development industry.

Impact of Proposed Investment Strategy on New Home Buyers and Renovation Consumers

The Province has created a growth plan and a regional transportation plan, 'The Big Move' to promote transit-oriented communities, fight sprawl and reduce congestion. The new housing, land development and professional renovation industry believes the proposed new revenue tools are counter-productive to the goals and objectives of both plans. OHBA, BILD and HHHBA are specifically opposed to:

- An increase of one per cent to the sales tax that will substantially increase the cost of new housing in the GTHA while driving more renovations into the underground economy. In May 2013, the RealNet New Home Price Index for a new low-rise home was \$644,427, meaning an increase of one per cent to the sales tax would increase taxes on that new home by \$6,444. A new condo in a transit-oriented community based on the May 2013 RealNet New Home Price Index, is on average valued at \$431,995, meaning an increase of one per cent to the sales tax would be a \$4,320 tax increase in the very communities that the provincial government purports to support through provincial planning policy.
- Metrolinx recommends amendments to the Development Charges Act and has suggested an approximately 15 per cent increase would yield \$100 million in revenue. OHBA is opposed to opening the Development Charges Act for legislative review, especially if additional revenue from an already out-of-control system is the objective. OHBA notes that the purpose of the 10 per cent discount for transit services is due to a clear recognition that new infrastructure also benefits existing residents. Current development charges (lower tier, upper tier, education and GO Transit) total \$58,929 in Oakville, \$63,505 in Brampton, \$62,391 in Markham, \$35,590 in Ajax, \$35,682 in Binbrook Hamilton and the Toronto rate is \$19,956 (currently proposed to double). A 15 per cent increase to these charges represents nearly \$10,000 in new taxes in a number of GTA communities. The current application of development charges is not structured to support or encourage provincial land-use objectives and the proposed cash grab by Metrolinx will only exacerbate the situation.
- Lastly, OHBA and BILD, in our April 2013 submissions to Metrolinx, had stated our support for "land-value sharing" if a number of specific conditions were met. Given the massive tax increase on new home buyers and new businesses proposed through increases to the sales tax and to development charges, it is clear that the new housing and development industry is not considered to be a partner and we are therefore now opposed to implementing an additional revenue tool that would further erode affordability in transit-oriented communities.

Metrolinx incorrectly described development charges on page 69 of the Investment Strategy as, “fees paid by developers to municipalities to fund the capital costs of servicing new development with sidewalks, roads, sewers and other infrastructure.” This is not accurate and the mischaracterization does not serve the public, stakeholders, or the government in having a mature conversation regarding the impacts of the proposed revenue tools on the public. The Metrolinx Investment Strategy further states that, “development charges are a key way for the private sector and business to contribute to local infrastructure funding needs, including transit.” It is time for Metrolinx, and all levels of government, to acknowledge that it is not the developer that will cover these costs and that the charges are passed through to the end-user who will embed those charges into their mortgage. On June 24th, Councillor Peter Milczyn, chair of Toronto’s Planning and Growth Committee, correctly articulated that, “we have to be careful how we implement the [proposed development charge] increase. What many people assume is the developers pay. Well, the reality is purchasers pay.”

OHBA, BILD and the HHHBA are very concerned that the Metrolinx Investment Strategy does not accurately provide the government or the public the complete picture in terms of the impact on new housing purchasers. While the average resident of the GTHA will pay \$477 in new taxes, charges and fees, new home buyers and new businesses will take on costs that are completely disproportionate to existing residents and businesses. Based on the Metrolinx Investment Strategy recommendation to increase development charges by 15 per cent and increase the sales tax by one per cent, OHBA, BILD and HHHBA have estimated the potential impact on new home purchasers and mixed-use developments in a number of communities to be as follows:

Metrolinx Investment Strategy Impact on New Home Buyers Single Family Dwellings						
Municipality	Oakville	Brampton	Markham	Ajax	Toronto	Hamilton
Average New Home Price	\$590,000	\$490,000	\$600,000	\$460,000	\$540,000	\$526,000
Lower/Single Tier DC	\$18,957	\$25,351	\$19,950	\$12,029	\$19,412	\$33,674
Upper Tier DC	\$35,275	\$35,532	\$40,107	\$20,940	n.a.	n.a.
Education DC	\$3,665	\$2,146	\$2,020	\$1,964	\$544	\$1,770
GO Transit DC	\$1,032	\$476	\$314	\$647	n.a.	\$229
Total Current Development Charges	\$58,929	\$63,505	\$62,391	\$35,580	\$19,956	\$35,682
+ Metrolinx 15% DC Increase	\$8,839	\$9,525	\$9,359	\$5,337	\$2,993	\$5,352
+ Sales Tax Increase 1%	\$5,900	\$4,900	\$6,000	\$4,600	\$5,400	\$5,260
+ Land Value Capture	+++	+++	+++	+++	+++	+++
Metrolinx New Neighbour Tax	\$14,739+	\$14,425+	\$15,359+	\$9,937+	\$8,393+	\$10,612+

The estimates in the chart above (unlike the incomplete chart on page 74 of the Metrolinx report suggesting what consumers will have to pay for the Big Move) clearly demonstrate that the investment strategy is inequitable and unfair to new home buyers and will result in less affordable transit-oriented communities.

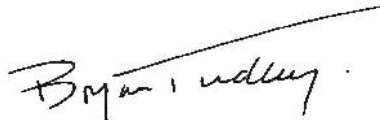
Conclusion

OHBA, BILD and HHHBA are very disappointed in the approach taken by Metrolinx to specifically target new home buyers and new businesses to fund a disproportionate share of the Big Move. OHBA strongly believes that there are tremendous opportunities to update the current planning and infrastructure financing system to reallocate out-of-date policies towards a 'transit-first' set of priorities. The Metrolinx Investment Strategy failed to consider a paradigm shift in terms of financing infrastructure and building transit-oriented communities in favour of a strategy to increase taxes, charges and fees on new home buyers and new businesses. OHBA is opposed to the Metrolinx Investment Strategy, and we will now focus our efforts on educating the government on the far reaching impacts of these proposals on new home buyers, new employers and renovation consumers.

Sincerely,



Joe Vaccaro
C.O.O.
OHBA



Bryan Tuckey
President & C.E.O.
BILD



Mathieu Langelier
Executive Officer
HHHBA

- c. Premier Kathleen Wynne
- c. Hon. Glen Murray, Minister of Infrastructure and Transportation
- c. Hon. Linda Jeffrey, Minister of Municipal Affairs and Housing
- c. Hon. Charles Sousa, Minister of Finance

Attachments:

1. OHBA April 2013 Submission to Metrolinx
2. BILD April 2013 Submission to Metrolinx
3. BILD May 2013 Letter to Metrolinx
4. Joint BILD-OHBA Press Release in response to Metrolinx Investment Strategy



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December 21, 2011

Honourable Bob Chiarelli
Minister of Infrastructure and Transportation
900 Bay Street, Mowat Block, 5th Floor,
Toronto, ON M7A 1C2

Dear Minister,

Thank you for meeting with OHBA on December 13th. The residential construction industry is supportive of the significant infrastructure investments the province has made the past few years. These investments have supported job creation during these challenging economic times. OHBA recognizes that the province is shifting towards austerity and recommends that the province continue make targeted 'core' infrastructure investments in transportation, water and waste-water infrastructure that supports provincial growth plans, economic development and job creation.

OHBA suggests that the economic challenges the province faces today require strong government leadership and innovation regarding infrastructure delivery. The province should consider creative solutions and partnerships to front-end finance infrastructure through targeted incentives and approvals. Furthermore the province should aggressively reduce regulatory barriers that hold up critical infrastructure projects in red tape and result in higher costs. The current economic situation should be a catalyst for government to analyze infrastructure approvals, funding and delivery in search of improvements.

OHBA recommends that the Provincial Government tie infrastructure funding agreements to important provincial goals and objectives outlined in the PPS and growth plan. Major infrastructure projects and specifically public transit projects should include conditions for 'as-of-right zoning' to reduce the barriers of intensification, encourage investment and ensure the highest and best use of scarce public dollars. The home building and development industry requires greater certainty and speedier implementation timelines to encourage additional investment that will support transportation corridors, urban growth centres and mobility hubs. The province should take a more aggressive approach to implement provincial transportation infrastructure and land-use goals and objectives that support economic development.

OHBA remains concerned by the slow growth plan conformity process. We are extremely concerned by land-supply shortages that are emerging in some housing sectors, which are driving land prices higher, therefore impacting housing affordability and economic competitiveness. Furthermore OHBA strongly encourages strong action to reduce the many barriers to intensification in both municipal and provincial policy. A more aggressive provincial approach to implement tools that support intensification and the implementation of the growth plan at the municipal level should be a top priority for the provincial government.

Sincerely,

Joe Vaccaro
Chief Operating Officer
Ontario Home Builders' Association



Places to Grow

Implementation challenges

By Bryan Tuckey

Everyone in the planning and development profession knows that in 2006, the world changed. The Province of Ontario established two key directives—*Protecting the Greenbelt: The Greenbelt Plan* and *Places to Grow: Growth Plan for the Greater Golden Horseshoe*—a combination of both established the long-term urban structure for the Greater Toronto Area.

We began to look at the Greater Toronto Area as an interconnected region that needed room to grow for future generations. We also had to start thinking about planning integrated complete communities with intensified land uses that would boost the economic vitality of this increasingly urban region.

As we move toward the end of 2012, we have lived with the growth plan for the last six years and are awaiting updated assumptions and population and employment forecasts to 2031 and beyond. It is the industry's view that the updated forecasts should be to at least a 2041 timeframe.

I would argue that now is the time to take stock of our lessons learned and begin to make course corrections in this important public policy document to ensure that vibrant, resilient, connected and affordable communities are built where new and existing residents have choice in how they want to live and work.

Demographic reality

In 2001, the population in the Greater Toronto Area was 5.3-million and the region was also home to 2.7-million jobs. Ten years later, the recent census confirms that 1-million more people have decided to make the GTA their home and 700,000 more jobs have been created across the regions of Durham, York, Peel and Halton and the City of Toronto. Forecasts see this trend continuing past 2031 and the updated forecasts will tell us more.

Every year, a population the size of the City of St. John's, Newfoundland, moves to the GTA, mostly through immigration.

In addition to these people, demographers tell us that people are living longer, that there's a mini baby boom occurring and that the traditional family formation is in decline. This raises the question: Where are they all going to live and work?

We want to be the urban region that attracts the best and the brightest to the numerous small, medium and large companies that want to grow here. Therefore, we need to strengthen economic development through growth planning to attract local and global investment to the GTA and Ontario. Now is the time to take stock in our region's employment lands and how choice, lot size and mixed-use development are being accommodated. The economic prosperity of the GTA depends on it.

What we've seen over the last six years is that these demographic and economic realities generate demand for housing—but as the industry and its municipal partners implement the growth plan, we are witnessing a dramatic shift in housing type that is increasingly expensive to purchase.

Where to grow

The growth plan provides population and employment forecasts for the years 2021 and 2031. At the time of publication, we were awaiting revised assumptions and forecasts, and were hearing that the numbers would show more people choosing to live and work in the GTA in that time period.

Above: Stark contrast in land use, west of Toronto
(Photo courtesy Michael Manett, Michael S. Manett Planning Services Ltd.)

Expected to be the third fastest growing urban region in North America with greater than 3.7-million more people and 1.8-million more jobs by 2031, there is a pressing need to examine the growth plan and its updated population and employment forecasts beyond 2031.

We are aware in the industry that regional official plans were scheduled to be provincially approved and in conformity with the growth plan by June 2009 but today many have not been finalized. Hearings at the Ontario Municipal Board have started but it could be another year (or more) before the plans and required boundary expansions are settled.

The broader issue becomes the backlog and hold up of the lower-tier municipal official plans, the secondary and block plans and the eventual construction of new communities. The public interest is well-served by these plans being approved—between now and then the GTA will welcome 100,000 new residents every year and they will need places to call home.

Understanding intensification

Local political and community resistance to intensification continues to be a significant roadblock to the ultimate success of the growth plan.

There is a disconnect between municipal official plans and the by-laws, technical guidelines, standards and studies that set the growth plan objectives in motion. For example, outdated zoning by-laws that don't include intensification targets result in delayed development approvals because the application is forced through a re-zoning process even though it is in keeping with the intensification targets set out in the growth plan.

At a time when understanding the principles in the growth plan are of utmost importance, a lack of education and NIMBYism is slowing down approvals, and in some cases, resulting in reductions in density. Continuing the example, in the case of a re-zoning application that seeks additional density, the approval process adds statutory public meetings, which opens the application to political and neighbourhood influence. Community consultation is important but the industry has learned the hard way that the public needs a better understanding of the province's growth plan and why implementing it has affected their neighbourhoods.

Housing shift

In 2011, there were 45,926 new homes sold in the GTA. It was the second-best year ever for total sales of new homes. Of the homes sold, 62 per cent were high-rise units. This is in direct contrast to a decade ago, when high-rise homes held a mere 25 per cent of the market share. At the same time, the price of a low-rise home is increasing and the size of a high-rise home is shrinking as the industry attempts to maintain affordability.

The shift in housing choice—and affordability—is directly related to the public policy decisions that have encouraged intensification, but at the same time, created a shortage of land supply.

In addition, where intensification is appropriate and encouraged, in some cases, planning tools have become barriers to intensification. One example is how parkland standards have become a financial barrier to intensification. We need to think about our centres and corridors differently and find ways to identify and reduce barriers, as well as pre-designate and pre-zone, to make them happen.

Lessons learned

One objective of the growth plan exercise was for the province to provide a vision on significant planning direction, and then allow municipal governments to implement that vision. Conformity exercises have been carried out by the regional municipalities but in its approval authority, the province has become too interested in the details.

The province's role is to step in when the vision becomes blurry, especially in the case of the "whitebelt" lands. Just as certainty has been provided with the creation of the greenbelt, we need the same type of certainty around the whitebelt so that everyone knows it is intended for the long-term urban structure of the GTA.

The province needs to clearly state that the whitebelt will accommodate future growth and it should be reflected in regional official plans. In addition, it should not permit regional official plans to include policies allowing municipalities to sterilize whitebelt lands from future development by placing designations such as "foodbelt" or "protected countryside" on them, or by requesting greenbelt expansions.

I would go one step further to recommend that during the next five-year review of the regional official plans, municipalities prepare horizon-free urban structure plans defining the structure of uses for whitebelt lands. These should include employment reserves, arterial roads, nodes and corridors as well as assessing long-term servicing and transportation alternatives.

Municipalities should be encouraged to complete integrated long-term infrastructure plans, which provide certainty and predictability. For example, if regional municipalities were permitted to designate strategic employment lands beyond the 2031 planning horizon, and consideration could be given to expedited approvals on those lands, the province and its municipal partners could align sustainable, continued investment in infrastructure, services and economic development strategies.

To that end, we need a standard methodology for residential and employment land budget and supply guidelines, including land vacancy factors, for all of Ontario.

The building and land development industry remains supportive of the *Growth Plan for the Greater Golden Horseshoe*, however, positive change will enable all of us to strengthen economic development through integrated planning for the growth of the GTA. As well, changes to the approval process, demands of intensification and an alignment of funding for infrastructure, could go a long way in strengthening the partnership between the industry and government to build complete communities in the GTA for generations to come.

Members of the building and land development industry are experts at executing policy and the BILD has been transparent about it suggested recommendations for easing implementation of the growth plan. A detailed presentation is posted at www.bildgta.ca.

Bryan Tuckey, MCIP, RPP, is president and CEO of the Building Industry and Land Development Association (BILD), which has more than 1,375 members and is the voice of the land development, home building and professional renovation industry in the Greater Toronto Area. BILD is proudly affiliated with the Ontario and Canadian Home Builders' Associations.

A community builder's perspective

By Gary Gregoris and Andrew Sjogren

Mattamy Homes is actively developing or pursuing approvals throughout the Greater Golden Horseshoe. As such, we have encountered both the positive and challenging consequences of the provincial *Growth Plan for the Greater Golden Horseshoe* on the frontline.

From our perspective, there are a number of major and minor challenges associated with the implementation of the growth plan, most of which were likely unforeseen, but many of which affect our ability to bring new communities to market in a timely manner. From our experiences and observations, one of the more significant impacts is constrained land supply.

While this article focuses on one of the broader challenges of implementing the growth plan, it should be noted that there is general consensus within the industry that the goals and objectives of the growth plan are appropriate for good community building. The general intent of the plan is not at issue. However, its implementation at the municipal level can be challenging, and unfortunately, has led to several unintended consequences.

One of the unintended consequences of the growth plan has been its impact on the residential land supply in the GTA in greenfield settings.

The growth plan policies and its strict interpretation through official plan conformity exercises (in particular Schedule 3, population and employment forecasts) have essentially forced GTA municipalities to “plan by numbers.” This approach has led to a finite amount of land being identified to accommodate forecast growth with no flexibility (i.e., vacancy rates), restricting the ability of municipalities to plan on a comprehensive basis. In some instances this has resulted in urban boundaries drawn through the middle of concession blocks or farm fields, making it impossible to plan comprehensively for both land use and transportation corridors as well as preventing strategic lands from being designated for employment uses.

Furthermore, this approach to planning does not lend itself to the development of “complete communities,” as certain land uses, such as mixed-use, office or main-street retail may not be attainable within the constraints of the forecast. It also makes financing large-scale infrastructure programs more difficult and complicated, as municipalities are not able to plan beyond the forecast horizon of 2031, requiring that such projects be initially financed only by those developing within the horizon.

The regional and local approval and implementation of the growth plan, specifically the length of time taken to date, has also impacted the GTA land supply. In essence,

planning for future growth in the GTA has ground to a halt. The growth plan process began in 2006 and now six years later, several regional plans are being adjudicated at the OMB, with a few of these hearings not even scheduled to begin. It is very troubling that any planning process can take the better part of a decade to complete, knowing that it will take several years for changes to be realized on the ground. This is not healthy for the economy and investment.

Despite the growth plan's emphasis on intensification, and as municipalities strive to grow “up” as opposed to “out,” what seems to be lost is the fact that even after 2015, six out of every 10 homes in the GTA will continue to be planned and built on greenfield lands. This apparent oversight is especially evident in some municipalities, which are currently considering directly tying intensification targets to greenfield development approvals or in the extreme rationalizing no urban boundary expansion and relying almost 100 per cent on built boundary development to meet future housing needs for the next 20 years.

Some of the unintended consequences include increased land costs, shortage of building lots and blocks which has led to rising home prices, putting home ownership beyond the means of many young Ontarians. It has also limited or prevented investment, job creation and economic growth and development. Furthermore, municipalities are unable to plan comprehensively and create complete communities.

Implementation of the growth plan from the perspective of a community builder has severely constrained the core commodity we require: land supply. The associated challenges, however, are by no means insurmountable and could be adequately addressed through the growth plan's 10-year review. Suggested revisions include extending the planning horizon to 50 years; mandating the protection/designation of “whitebelt” lands for future urban uses; expediting the review and approvals process for municipal official plan conformity amendments; providing greater flexibility in land budgeting as well as standardizing the methodology on how a proper land budget is to be prepared; modifying greenfield density targets to account for a broader range of take-outs; and separating employment lands from greenfield density calculations.

Gary Gregoris, MCIP, RPP, is senior vice president of land at Mattamy Homes. He is a member of BILD's board of directors and chairman of its growth plan advisory committee. Andrew Sjogren MCIP, RPP, is a Project Manager in Mattamy's Land Department, dealing primarily with longer-term lands.

Making it happen

By Mike Collins-Williams

Mark Twain once said, “buy land, they’re not making it anymore.” We don’t think today’s builders could say it any better. Land is the material that supports our industry. As builders of Ontario’s communities every decision our members make leads back to this issue which is why the Ontario Home Builders’ Association and its network of 29 local associations across the province focuses so much of its time and effort on government policies and regulations that impact land-use decisions.

The Greater Golden Horseshoe is one of the fastest growing metropolitan areas in North America and is home to 11 of OHBA’s local home builders’ associations. Over the past decade growth patterns across the region and especially in the GTA “inner ring” have undergone a fundamental shift from primarily single-family suburban dwellings to more intensified urban dwelling types. This paradigm shift in terms of the types of communities that we live, work and play in has accelerated over the past few years and will continue to morph into a more urban direction in the future. Therefore, it is critical that public policy and regulatory process continue to evolve to better reflect urban development realities and effectively implement the *Growth Plan for the Greater Golden Horseshoe*.

Today, builders, land developers, municipalities across the Greater Golden Horseshoe and the provincial government are engaged in the process of implementing the growth plan. This is a critical step in supporting long-term sustainable development by understanding and ultimately embracing intensification. But rather than simply waiting or assuming it will happen, the OHBA believes there are significant opportunities to improve the growth plan as we work through a number of current implementation issues.

OHBA examines public policy not only from a GTA or GGH perspective, but from a pan-Ontario perspective as many growth planning principles are spreading beyond the GGH for

implementation in other Ontario communities. Ontario receives just over 40 per cent of Canadian immigration and the approximately 120,000 people that come to Ontario annually require an additional 55,000 - 60,000 units be added to Ontario’s housing stock on an annual basis.

While we recognize that planning sometimes falls victim to politics and that not all stakeholders will always agree on the methods to achieve intensification objectives, our industry is at the table because we have a significant role to play in executing the provincial growth plan. There are real challenges on the ground and local political and community resistance to intensification continues to be a significant roadblock to successful implementation of the growth plan. Furthermore, seemingly endless regulatory processes and delays in approvals create housing supply shortages and outdated fiscal policies generate frustration among stakeholders. So how can we all better work together, understand intensification, support complete healthy communities and make it happen?

OHBA believes that informed stakeholders and decision makers make better decisions. Therefore, education concerning all aspects of the growth plan and especially the realities of what is happening on the ground is critical if we are going to be able to move forward successfully together. We have prepared presentations and have engaged in constructive dialogue with key partners such as the Regional Planning Commissioners of Ontario. As well, OHBA is communicating more frequently with the public through local media outlets to raise awareness with respect to long-term land-use planning challenges.

All stakeholders can be proud of how far we have come in six years. Some aspects of regional growth planning are performing as intended and are supporting higher levels of intensification. Land consumption is slowing significantly due to intensification and much higher greenfield densities. Suburbs are being planned and developed very differently than in the past, not only in terms of density and mix of uses, but also in terms of infrastructure, servicing and protecting natural heritage features.

We have learned valuable lessons through the current implementation process. We must apply these lessons through the implementation of additional policy and fiscal tools to create complete communities. Now is the time to evaluate our growth planning successes and failures by considering modifications to planning policies that support the implementation of the growth plan by collaborating on tangible actions for healthier and sustainable communities.

Mike Collins-Williams, MCIP, RPP, is Ontario Home Builders’ Association policy director. OHBA is the voice of the residential construction industry in Ontario, representing over 4,000 member companies, organized through 29 local associations.

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PLAN

GROWTH

Gaining perspective

By George Carras

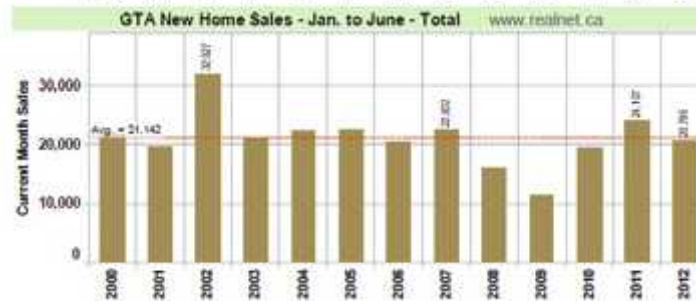
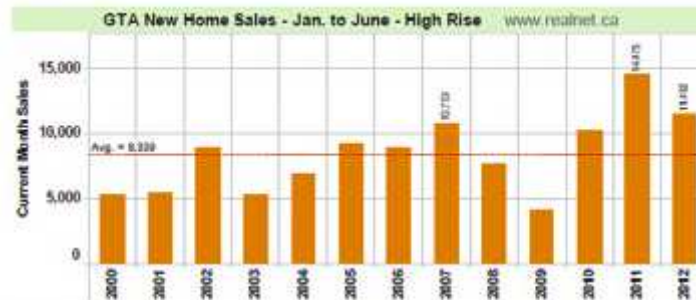
RealNet's recent release of the official GTA new home market results for June means we've reached the halfway point of 2012. What better time for some healthy perspective on the market. After all, a bit of perspective helps to provide better understanding, and the more perspectives you have, the better your understanding.

Let's consider a few facts from the new condominium market results:

Fact: During the first six months of 2012, there have been 11,492 new condominiums sold in the GTA. That's down 21 per cent from last year.

Fact: High rise remaining inventory at the end of June stood at 20,133 units, a new record high.

Fact: The RealNet Index Price of a new high rise condominium dropped to \$432,256, down 0.5 per cent from the beginning of the year.



GTA new home sales

IMAGE COURTESY OF THE AUTHOR

Now if you stopped here in forming your opinion, it would be based on facts. Problem is, those facts have been presented with little perspective, and that could be dangerous.

Mark Twain once said, "Most people use statistics the way a drunk uses a lamp post, more for support than for illumination."

For those seeking to support a certain position or point of view about the real estate market, these might be all the facts you need. For those in search of further illumination, please read on.

If you understand that last year was a record year for new condominium sales, your perspective on this year's 21 per cent drop in first-half sales might change. It may also impact your opinion to know that 2012 year-to-date high-rise sales are at the second-highest level on record—38 per cent above the long-term average for the period (which is 8,339 sales).

For further perspective, step back and remember that new condominium development does not exist in a vacuum. Condos make up the high-rise component of the new home market. Low-rise new homes (detached, semi-detached, townhomes and links) comprise the other part of the market.

If you want to have proper perspective on the high-rise market, it is essential that you understand what has been happening in the GTA low-rise market. During the first half of 2012 there have been 9,293 new low-rise homes sold in the GTA—that's 4 per cent less than last year and it represents the fourth weakest year on record. One of the reasons for that is the record-low level of available low-rise inventory, which is a result of the province's intensification policies. At the end of June there were a near-record-low 5,797 new low-rise homes remaining in GTA builder inventories.

The index price for low-rise ended the period at \$603,102, a near-record-high level. This resulted in the biggest price difference on record between a new low-rise home and a new high-rise home: \$170,846. For perspective, consider that it took 48 months for the Low Rise Index Price to move from \$400,000 to \$500,000, but it has taken only 19 months to move from \$500,000 to \$600,000

How have total new home sales—low-rise plus high-rise—been so far in 2012?

During the first six months of the year a total of 20,875 new homes were sold. That's down 14 per cent from last year (which was the second best year on record for total sales). But when compared to the long term average of 21,141 for that same period, 2012 so far has just been average.

With the record-high high-rise inventory of 20,133 units, and a near-record-low low-rise inventory of 5,797 units, there are currently 25,930 new home options available to GTA consumers.

How does that compare with previous years? Over the long term, total inventories have ranged between 25,000 and 30,000 units, so the growth in high-rise inventories is just helping to bring the total inventories back to the low end of normal, albeit a new normal that has seen high-rise condos come to dominate the market as a result of the intensification policies in the growth plan.

Warning: Consuming limited facts may be hazardous to the health of your opinion.

George Carras is president of RealNet Canada Inc, the official source of new home information for both BILD and the Toronto Real Estate Board (TREB). He writes a Toronto Star column in the New in Homes and Condos section the last Saturday of every month. For more information visit <http://www.realnet.ca> or follow on Twitter at twitter.com/realnet_canada.

PLAN

GROWTH

A year later

By John Genest

It's been a year since *OPJ* published my "Sprawl, Green Sprawl and Viable Urban Systems – Wither Growth Plan Implementation?" article (*September/October 2011 edition*). This current issue seems a perfect opportunity to reflect on what has and hasn't changed since, for better or worse.

The original article asked and answered (to a point) three core questions:

1. To what extent can growth in the urban footprint of the Greater Toronto Area and Hamilton (GTAH), as planned to respond to growth plan requirements, be characterized as sprawl?
2. How much of the outcome is driven by shifts in the housing mix required to meet the growth plan's intensification and density targets?
3. To what extent is "green sprawl" contributing to larger urban footprints?

Without repeating the whole of the original, the answers were:

1. If sprawl is defined as occurring where growth in the planned urban footprint over the 2006 - 2031 period exceeds growth in population over the same period, upper tier official plans as adopted will not result in urban sprawl: where sprawl occurs at an index ratio of 1.0, the adopted plans yield an index of 0.6 for the GTAH.
2. This shift plays a fundamental role in reducing the urban footprint but achieving it will require overcoming significant barriers, take substantial effort and investment, and will shape our economic future for better or worse.
3. The impacts of "green sprawl" are real and have show-stopping potential as they may affect urban expansion and density.

The remainder of this article considers the extent to which more or less clarity has emerged around each question.

The original conclusions regarding sprawl appear likely to be borne out by settlement and/or OMB approvals. The specifics remain uncertain because resolutions in most upper-tier municipalities are still subject to ongoing appeals/mediation (Durham and York regions) or further study (Peel Region). Relief sought through the respective appeals/study processes will not bring sufficient new land into a 2031 boundary to push outcomes significantly closer to a "sprawl" ratio.

That said it is clear that even six years after its enactment there is still no consensus on an appropriate methodology for completing a land budget responsive to growth plan requirements. Neither is there consensus on the range of input assumptions considered valid for such key variables as net to developable gross land ratios or densities sufficient to fulfill those requirements. As outlined in Bryan Tuckey's article, a multi-stakeholder effort is required to bring consensus to both questions well before the five-year reviews of these GTAH official plans begin.

This shift to more medium- and high-density housing is at the heart of the growth plan's intensification and density targets.

Notwithstanding the (perhaps moderating) demand for high-density condo product in Toronto, there are few positive signals that the required shift will be realized by 2015 across the 905 area. Development charges and parkland cash-in-lieu costs continue to mount for high-density housing outside Toronto. Low-density product is being consumed at a rate that appears likely to bring supply shortfalls to Vaughan and Markham by 2016.

The risks attached to variances from the planned housing mix are coming to more starkly defined relief. Growth plan-responsive housing mixes are now being imbedded in development charges background studies on the assumption that they define what will happen over the years ahead. Failure of the market to absorb what the growth plan says we should is becoming the central risk/uncertainty in upper-tier municipal cash flow projections for infrastructure financing. A continued supply of affordable family housing still hangs in the balance.

Clear definition of appropriate exclusions ("take-outs") for the purpose of testing population and job density against growth plan criteria continues to confound both agreement on what land area is necessary to support population and employment growth, and final answers on the extent to which environmental preservation is contributing to increasing (or not) green sprawl. Common sense is softening the interpretation of the growth plan definition of allowable exclusions from the land area over which density targets are to be measured, but the ground continues to shift.

There is a significant prospect that new stormwater pond footprints will double in GTAH watersheds, to retain flows under regional vs. 100-year-storm conditions as well as manage the temperature of pond outflows. On the endangered species front, direct habitat for Red Side Dace and transition impacts are better understood, but definition of "contributing habitat" and land area impacts remain less certain. The list of endangered species continues to grow. Shorter term clarity is emerging on such elements as transition regulations for Bobolink habitat protection and the range of possible habitat compensation arrangements. But new species, with differing habitat requirements, continue to be added.

There is as yet no consensus on the most appropriate approach to recognizing these emerging realities. Alternatives include incorporation of a "contingency factor" in a land budget calculation, or setting the questions aside until they can be dealt with as part of the next five year official plan review.

On the whole, "better or worse" is not easy to call. New questions continue to emerge as old ones are answered. New information, such as release and approval of revised forecasts for the growth plan's Schedule 3, will be helpful in re-framing our understanding of what quantum of growth we will need to plan for to the horizons past 2031. Fundamental questions however, particularly those related to our ability to achieve the growth plan's intensification targets starting at 2015 without impacting other sustainability objectives, still have a distinctly uncomfortable uncertainty about them.

John P. Genest, MCIP, RPP, PLE, a principal at Malone Given Parsons Ltd., continues to be engaged in appeals of the Waterloo, York and Durham regions official plans. ■

The following two articles continue the conversation that was started in the last issue of OPJ about challenges to implementing the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan.

Implementing the Growth Plan

The Challenge of Change

By Victor Severino

The Greater Golden Horseshoe is the economic engine of Ontario and of Canada. This region accounts for 70 per cent of Ontario's Gross Domestic Product and is currently home to one in four Canadians. This trend will continue, with the region expected to grow to a population of nearly 13.5-million people and 6.2-million jobs by 2041. Good planning is essential to managing this growth in a way that supports a strong, resilient economy and vibrant and environmentally sustainable communities.

The Growth Plan for the Greater Golden Horseshoe, 2006, is part of a suite of policies put in place by the Government of Ontario to ensure a healthy, prosperous future. Together with the *Greenbelt Plan* and the Metrolinx Big Move Plan, the growth plan helps create compact, transit-oriented communities and protects valuable green space and farmlands. Supported by the province's infrastructure investment plan, this coordinated approach helps to reduce infrastructure costs and makes better use of public funds.

How is the growth plan doing?

A July 2011 progress report by the Ministry of Infrastructure indicates that the region's urban land supply is being used more efficiently than previously observed. Greenfield developments are being planned at higher densities than before 2006 and nearly 70 per cent of new housing units added to the region between June 2009 and June 2011 were located in existing built-up areas. In addition, while single-family homes continue to comprise a significant share of the housing stock in the Greater Golden Horseshoe, data show a shift in the types of housing being offered with more apartments, row houses and townhouses being built since 2006 than in the five years prior.

It takes many years for developments to be planned and built. Thus it is likely that many of the units built since 2006 were approved before the growth plan came into effect. Therefore the trends being reported are probably the result of many factors: consumer preferences, economic conditions and changes in public policy, to name a few.

How is the housing market doing?

Compared to other jurisdictions in North America, this region has weathered the economic downturn well. In 2010, the number of building permits issued in the Toronto region was

17 per cent higher than in 2009 and nearly back to 2008 levels. By comparison, many U.S. jurisdictions that experienced rapid housing growth over the past 10 years showed 2010 building permits still well below 2008 levels.

Real estate prices have also remained robust compared to U.S. jurisdictions where indices showed a 40 per cent decline in housing prices between 2005 and 2011. In that same period, housing prices in the Toronto Census Metropolitan Area increased approximately 25 per cent. It is worth comparing this increase to that of other Canadian metropolitan areas such as Vancouver (+59%), Calgary (+52%), Ottawa (+31%) and Montreal (+39%).

.....

To accommodate the people and jobs that are coming to the region it is expected that some of these lands outside of the greenbelt may be re-designated for an urban use.

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It is also important to emphasize that the cost and affordability of housing are complex issues, influenced by many factors, including the general health of the economy, income levels, availability of financing, interest rate levels, cost of construction material and labour costs, land values and development fees and charges. According to Statistics Canada, the land price component of new house costs in the Toronto Census Metropolitan Area has remained relatively stable over the past five years. In contrast, the house price component—including materials and labour—has risen steadily over the same period.

Growth plan policies and urban land supply

The growth plan was put in place to maximize the benefits of the region's rapid population and economic growth, while minimizing negative impacts. One of the plan's objectives is to make more efficient use of urban land to ensure a healthy land supply well into the future.

Ontario's planning policies require that municipalities plan for land needs to accommodate growth for up-to-20 years in the future. As of June 2011, municipalities in the Greater

Toronto and Hamilton Area had a supply of about 227,000 hectares of already built-up land plus 51,800 hectares of designated greenfield land to accommodate future urban uses. As well, these GTHA municipalities have approximately 55,000 hectares of rural and agricultural lands within their municipal boundaries that are not part of the greenbelt.

To accommodate the people and jobs that are coming to the region it is expected that some of these lands outside of the greenbelt may be re-designated for an urban use in the future. Any re-designation must meet the policies and processes set out in the growth plan, the *Provincial Policy Statement* and the *Planning Act*.

The regions of Halton, Peel, York and Durham, and the City of Hamilton have assessed their needs for new urban land to accommodate growth to 2031 and have proposed to re-designate between 8,000 and 10,000 hectares of rural and agricultural land for greenfield development. While some of these regional municipal official plans are currently under appeal at the Ontario Municipal Board, it is expected that the supply of urban land will be sufficient to accommodate growth to 2031.

Planning for the longer term

The Ministry of Infrastructure is currently consulting on a proposed amendment to the *Growth Plan for the Greater Golden Horseshoe, 2006* to extend the population and employment forecasts to 2036 and 2041 and amend related policies. More information about Proposed Amendment 2 is available at placestogrow.ca. The Ontario Growth Secretariat is also undertaking additional research and assembling data needed to more accurately measure progress of the growth plan's implementation.

All residents who live in this region have an interest in sustainable, healthy, economically vibrant communities. We look forward to sharing our research findings in the future and to continuing to engage in a dialogue about the right policy framework to achieve the objectives of the *Places to Grow Act*.

Victor Severino is assistant deputy minister at the Ontario Growth Secretariat in the Ministry of Infrastructure.

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RESOLUTION # 4 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Submitted by: OHBA Board of Directors
Date: September 23, 2013
Subject: Land-use planning appeals (Ontario Municipal Board)

Whereas: The Ontario Home Builders' Association supports a strong and independent role of the Ontario Municipal Board (OMB) in the land-use planning system and development process in Ontario; and

Whereas: The OMB is an essential instrument to ensure provincial land-use policies and objectives are achieved and is a critical component of the implementation process for the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe; and

Whereas: The OMB is a quasi-judicial body that settles planning and development disputes based on provincial policy, municipal official plans and planning law. The OMB has a long history in Ontario and, makes decisions on complex, and typically controversial, issues impacting all communities across Ontario.

Whereas: Without a strong and independent OMB the provincial policies and objectives for land-use planning will be difficult to achieve due to local political resistance to intensification and changes within existing communities as defined within the public planning policy framework;

Whereas: A political vote based on short-term thinking doesn't necessarily lead to the best longer-term planning outcomes. These longer-term planning based decisions help to ensure that we continue to build and sustain affordable and livable communities in which to live, work and play, across Ontario.

Therefore be it resolved that: The province maintains a strong, independent third party appeals tribunal as a core component of Ontario's land-use planning system; and

Therefore be it further resolved that: The province reduce unacceptable hearing and decision delays that are increasing the costs and time associated with planning approvals for all stakeholders. The province should increase the number of highly qualified members on the board that are experienced in land-use planning and land-use legislation by appointing them to a minimum five year terms; and

Therefore be it further resolved that: The OMB improve the scoping of issues to be heard and evidence to be brought forward during an appeal to enhance efficiency, reduce the length of hearings and to reduce the costs associated with OMB appeals for all stakeholders; and

Therefore be it further resolved that: The OMB provide for a "triage" screening process of appeals to appropriately reject frivolous appeals, directing appeals appropriately to mediation or expediting pre-hearing consultation; and

Therefore be it further resolved that: The OMB discourage frivolous appeals by increasing the application fees and by requiring appellants to fully disclose their grounds for appeal within the application based on conformity and compliance with the public planning policy framework; and

Therefore be it further resolved that: The OMB encourage better use of mediation and alternative dispute resolution.

MOVED: Kevin Watts SECONDED: Rick Martins

CARRIED

RESOLUTION # 5 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Ministry of Infrastructure & Transportation

Submitted by: OHBA Land Development Committee

Date: September 23, 2013

Subject: Planning Act – Section 37 (Density Bonus) / appropriate pre-zoning

Whereas: Municipal zoning by-laws are a critical component of Ontario's land-use planning system. Zoning by-laws are the implementation vehicle for the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe and for municipal Official Plans to create the public planning framework; and

Whereas: Section 37 of the *Planning Act* is a municipal "tool" which includes a process to allow buildings to exceed height and density of development otherwise permitted by zoning by-laws, in exchange for community benefits; and

Whereas: The process builders and developers are subject to when rezoning to increase densities is costly, time consuming and can be risky due to lack of certainty. The province should strive to eliminate the many obstacles that discourage infill development and intensification as encouraged by the public planning framework; and

Whereas: OHBA is concerned that many areas where intensification should occur are 'under-zoned'. Under-zoning creates a series of problems and roadblocks for the new housing and land development industry to increase densities in urban growth centres and along intensification corridors to support the public planning framework and municipal infrastructure; and

Whereas: Municipalities often intentionally under-zone properties in an attempt to extract section 37 agreements and other financial commitments from new home buyers in return for approvals of increased densities; and

Whereas: Under-zoning justifiably fuels NIMBYism (Not in my backyard). When municipalities under-zone a property, local residents are provided with a false impression of what type of development is appropriate for that given location. The most common opposition against infill development at public meetings is that the proposal exceeds municipal zoning by-laws, even if the proposal complies with the municipal official plan, PPS and Growth Plan;

Therefore be it resolved that: If a parcel of land is in an appropriate location for intensification then it should be properly zoned to accommodate the appropriate increased densities; and

Therefore be it further resolved that: If a land-owner proposes a development on an 'under-zoned' property that complies with the PPS, Growth Plan and Municipal Official Plan, municipalities should not be permitted to utilize section 37 of the *Planning Act* to extract concessions from future home buyers in exchange for appropriate densities that public policy encourages in that location; and

Therefore be it further resolved that: The province implement policies to require appropriate zoning that conforms to municipal official plans, the Provincial Policy Statement and the Growth Plan. As-of-right zoning should be applied within Urban Growth Centres in the Growth Plan and for Intensification Corridors on planned higher-order transit routes. The zoning by-laws should ensure that each Urban Growth Centre is positioned to achieve intensification targets and objectives outlined by the province; and

Therefore be it further resolved that: Appropriate zoning would expedite the planning process, reduce planning process cost for municipalities and proponents, reduce uncertainty with respect to density bonusing, reduce the number of appeals to the OMB, encourage intensification and reduce NIMBYism.

MOVED: Nando Decaria SECONDED: Larry Otten
CARRIED

RESOLUTION # 1 (External)

Submitted to: Ministry of Municipal Affairs and Housing
Submitted by: Land Development Committee
Date: September 28, 2005
Subject: Ontario Municipal Board

Whereas: The Ontario Home Builders' Association supports a strong and independent role for the Ontario Municipal Board in the planning and development process in Ontario; and

Whereas: The OMB will be an essential instrument to ensure provincial land use policies and objectives are met; and

Whereas: the OMB is an important part of the implementation process that the government will require to reshape to future of the Greater Golden Horseshoe as envisaged in both the Greenbelt legislation and Places to Grow growth plan; and

Whereas: Without a strong and independent OMB the provincial policies and objectives for the Golden Horseshoe and the province will be virtually impossible to meet due to local resistance to intensification;

Therefore be it resolved that: The province enhance the role of the OMB by attracting and retaining highly qualified members to the board that are experienced in land use planning and land use legislation by appointing them to a minimum 5 year term with attractive compensation; and

Therefore be it further resolved that: The OMB review board member performance on an annual basis and provide training to members on the Planning Act and related legislation as well as mediation and alternative dispute resolution; and

Therefore be it further resolved that: the OMB improve the decision writing process by requiring members to provide a final decision in a short period of time following a hearing and providing a full written decision with reasons in a reasonable amount of time; and

Therefore be it further resolved that: the OMB develop an enhanced web-site that would provide current and archived cases and decisions; and

Therefore be it further resolved that: the OMB discourage frivolous applications by increasing the application fees and by requiring objectors to fully disclose their grounds for appeal up front; and

Therefore be it further resolved that: the OMB encourage the use of mediation and alternative dispute resolution and provide an incentive by providing a partial refund of the application fee for successful mediation.

MOVED: V. Fiume

SECONDED: J. Westgate

RESOLUTION #4 (External)

Submitted to: Ministry of Municipal Affairs and Housing
Ministry of Public Infrastructure Renewal

Submitted by: Land Development Committee

Date: September 28, 2005

Subject: Tools to Support Intensification

Whereas: the Greater Golden Horseshoe is expected to grow by an additional 3.7 million people over the next 30 years; and

Whereas: the Places to Grow Draft Plan has outlined the need to increase densities and has set ambitious intensification targets for the residential construction industry; and

Whereas: roadblocks towards achieving the objectives of Places to Grow in the current planning system and generally negative public attitudes towards intensification create a very difficult environment for the residential construction industry to build medium and high-density communities; and

Whereas: OHBA submitted a report to the Ministry of Municipal Affairs and Housing and the Ministry of Public Infrastructure Renewal entitled “Tools to Support Intensification”;

Therefore be it resolved that: the provincial government support the residential construction industry in achieving the goals and objectives of Places to Grow; and

Therefore be it further resolved that: the province implement the suggested regulatory and fiscal policy options outlined in the OHBA “Tools to Support Intensification” report.

MOVED: D. Stewart

SECONDED: S. Garvin



SHIFT HAPPENS



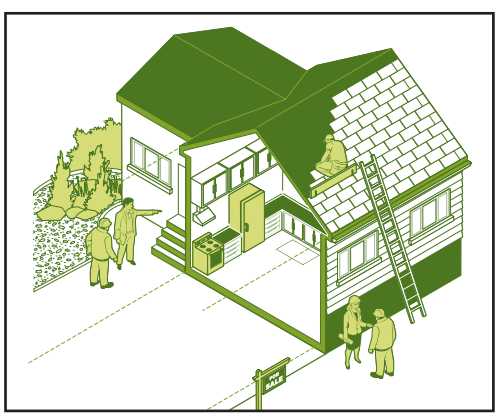
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WHERE ARE ALL THE PLACES TO GROW?

DEVELOPMENT REGULATIONS A HINDRANCE TO HOUSING AFFORDABILITY AND CHOICE

IT'S HARD NOT to notice all the condominiums cropping up across the GTA these days.

Condos accounted for 62 per cent of new-home sales in the GTA in 2011, according to RealNet Canada, a Toronto-based national provider of real estate information services. And it seems that everywhere you look, there are construction cranes and new residential towers dotting the urban horizon. What isn't as visible, however, is the lack of subdivisions being built and the dwindling availability of new low-rise houses.

A decade ago, 75 per cent of all new homes sold in the region were single-family houses. In 2011, low-rise housing comprised just 38 per cent of new-home sales, largely the result of provincial policies aimed at protecting greenbelt lands and promoting intensification.

The GTA housing market has been reshaped fundamentally by provincial policies introduced in 2006 as part of the Growth Plan for the Greater Golden Horseshoe, a region in Southern Ontario whose boundaries extend south to Lake Erie and north to Georgian Bay.

With the Greenbelt Plan, the province has aimed to protect 1.8 million acres of green space, and its Places to Grow plan has designated areas best suited for intensification.

Commenting on the dearth of low-rise houses, Paul Golini, chairman of BILD (Building Industry and Land Development Association), says, "People can't see what doesn't exist anymore." BILD represents more than 1,400 member companies in the land development, homebuilding and professional renovation industries in the GTA. "The homes under construction

CITY CENTRE OPTION:



WHAT DID YOU BUY AND WHY?

Elaine Viterbo — 40, manager, North 44° restaurant

Where did you buy? Upper Unionville, a 1,700-home community at Kennedy Rd. and 16th Ave.

Tell us about your place. It's a 2,300-sq.-ft. detached home on a 34-foot lot.

What appealed to you? For six years my husband and I have been living in a townhouse in Richmond Hill, but the pricing there for a detached home is ridiculous. We paid \$720,000 for the home at Upper Unionville, so the price was appealing. So is the location—it's easier to commute to work. Plus, it's near my aunt's house and she can take care of my two-year-old. And Unionville is a nice community that's still growing.

Why a low-rise home, not a condo? My husband really likes having a backyard, even though you have to mow it, and there's the maintenance of the home itself. But it's also just the freedom; you don't have to use an elevator. And we look at condos as a whole bunch of people living in one space.

Why did you buy new, not resale? I like the thought of being the first person using the bedroom and bathroom; being able to create something we want, not having to say, "We like the house except for this, but maybe we can renovate it to be that way"; being able to pick our own finishes—the builder had its own décor centre, so we chose the décor ourselves, and it suited our tastes; also, the smell of a new home (it's like buying a new car).

When do you move in? August 2013. We visit the site weekly to see what stage it's at. But it's still just dirt at the moment.

today were sold to the homeowner a few years ago. The industry is worried about the balance in housing options and the affordability of new homes in the future," says Golini.

The shift from low-density to high-density housing has been directed by provincial intensification policies encouraging a more sustainable approach to urban development. Homebuyers want to choose the type of home that suits their lifestyle through the various stages of life—and choice in the low-rise market is diminishing.

"There just hasn't been the availability of land when it comes to low-rise product," Golini explains. "Not only is the low-rise price index the highest it's ever been—\$609,369 [this past] August—it's also driven the market toward highrise. And if you're a first-time buyer, that seems to be your only option."

There has also been plenty of resistance to the intensification policy in the GTA at the municipal level, delaying approvals of condo projects and pitting developers against community groups opposed to the introduction of denser forms of housing in their neighbourhoods.

"Local interests are not always aligned with the province's goals when it comes to growth and intensification," Golini notes. "Not everyone is ready to accept this new form of living."

The development industry has been operating in accordance with the provincial growth plan, says Golini. But six years in, it has become clear that the policies have had an adverse impact on homebuyers, he says, creating severe constraints on land availability and resulting in limited housing options and ever-increasing prices.

SUBURBAN OPTION



WHAT DID YOU BUY AND WHY?

David Porter — 39, condo-garden designer, Toronto Condo Garden

Where did you buy? River City, Phase One, King St. E. and River St. (the first residential project in the new West Don Lands precinct)

Tell us about your place. It's a one-bedroom, 762-sq.-ft. corner unit on the 12th floor, with north- and west-facing views.

What appealed to you? The amazing and unobstructed view of downtown. The second reason was value — it was \$437,000, including one parking spot and a locker. This worked out to \$525 per square foot, compared to the downtown core, which is five minutes away by streetcar, where condos are going for about \$700 per square foot. I thought it was a cool little pocket of the city.

Why a condo, not a low-rise home? I travel quite a bit and I like walking out the door and not worrying about it, so it fits my lifestyle. Although a backyard garden can be nice, I do love gardening on a balcony or a terrace. So easy to maintain and change up.

Why did you buy new, not resale? I'm not big into resale.

That's part of the fun of buying new construction — actually watching it, being able to pick all your finishes and then seeing it go from nothing into something.

When do you move in? Next summer. They've just topped off my building and I can see there are windows being installed, so they seem on schedule.

New homes sold in GTA 2001 vs. 2012



SOURCE: REALNET CANADA INC.

“Places to Grow was designed to put tension in the system to promote higher-density development, and that tension is there,” says BILD president and CEO Bryan Tuckey. “But you wonder if the balance has been shifted too far.”

With an estimated 100,000 people moving to the GTA each year, Tuckey notes that the industry recognizes that the lack of affordable housing options for new and first-time homebuyers is a serious issue in the GTA, and wants to be part of the solution. “Our industry plans and builds about 40,000 homes every year to meet the demand from first-time homebuyers, the aging demographic, immigration and the changing family formation.”

The challenge is getting political and community support to build them. Many municipalities have outdated zoning bylaws that don’t conform to Places to Grow and don’t include intensification targets, says Tuckey, resulting in further delays, as rezoning is required before construction can begin on higher-density projects.

“I interact with many of the best developers in the city and they all feel that the approval process gets bogged down at the city level,” says Barbara Lawlor, president of Baker Real Estate, a leading brokerage firm in the GTA.

“We need to see more streamlining when it comes to the red tape and the layers of regulation,” Golini agrees,

noting too that excessive development charges and parkland requirements create hindrances that contribute to higher home prices.

BILD is determined to ensure the 68,000 hectares of whitebelt lands — the area between the GTA and the greenbelt — are preserved for growth past 2031.

Though the whitebelt was intended to function as an urban reserve that would accommodate future growth in the region — whose population is projected to spike from 6.3 million to 8 million by 2031 — many municipalities have been restricting development of these lands.

“If the province was able to give a clear statement regarding the whitebelt and its long-term future,” says Tuckey, “it would go a long way to helping the implementation of Places to Grow in the GTA.”

This is the first in an 8-part series sponsored by BILD.



SHARING A VISION FOR A NEW CITY

WHAT HAPPENS WHEN YOUR NEIGHBOURHOOD HAS DEVELOPMENT POTENTIAL?

MANY GTA RESIDENTS may not know that they have the power to help shape new developments in their neighbourhoods.

Whether it's for a proposed transit line or redevelopment of pockets ripe for revitalization, there are opportunities to get involved in the planning process. In fact, becoming informed about the process of planning is key, says the City of Toronto's chief planner, Jennifer Keesmaat.

"There needs to be room for movement...[and] room for change, and the planning process can facilitate those conversations."

For every development application, the provincial Planning Act sets out rules for holding public meetings to discuss the proposed vision. BILD's president and CEO, Bryan Tuckey, says the public meetings to discuss proposed developments are beneficial when participants "come with an open mind to listen and learn."

"Developers and builders bring their teams of experts to explain the vision so that the local councilor and the local residents understand how it came to be," he explains.

Municipalities, of course, also play a big role in the planning process. They are required by the Province of Ontario to direct a minimum of 40 per cent of their projected population and employment growth to areas that are already developed.

This means that established communities like Mississauga City Centre, the village of Unionville and areas along the Yonge St. corridor, to name just a few, are mandated for change.

This requirement, among others, including promoting transit-oriented and balancing jobs and housing, are



ROGER YIP

Harry Eaglesham, who lives in Markham, has been working with the city's planners and developers: "I'm doing my share to deliver the dream for others."

A MAN WITH A PLAN.

Markham resident Harry Eaglesham jokingly describes himself as "Mr. Suburbia": he became involved in local planning issues about 20 years ago. That was when the Town of Markham (now a city) began consulting with residents on proposed plans to build new communities that would be more compact, mixed-use and transit-oriented. It was an unconventional suburban development approach at the time — and long before Ontario's Places to Grow initiative was introduced in 2006.

Eaglesham, a 64-year-old retired IT professional, lives in a century home on historic Main Street, in the heart of Markham's idyllic village of Unionville. He's also on the board and a past president of the influential Unionville Ratepayers Association.

Growth in the area is increasingly being redirected, notes Eaglesham, from farmland and toward Markham's existing communities. "The character of existing neighbourhoods is changing dramatically," he says, "and not necessarily for the worse." A large part of that urban intensification is apparent just south of Unionville and across Highway 7, within Markham Centre — the city's purpose-built "downtown," conceived in the mid-1990s by American architect and planner Andrés Duany.

"There are widely held concerns that bringing lower-priced condos into the community will have a negative impact on property values and negative societal impacts," says Eaglesham. "Of course, history has shown that property values are going up."

His biggest concern about intensification is the gap between development approvals and the construction of the infrastructure required to support it. "Here we are in Markham, where intensification is going gangbusters," he says, "and infrastructure, specifically transportation, is going at glacial speed.

"I would love to move to the Markham Centre of the vision of 20 years ago, but it's not available to me. It's not built yet." The "work-play" options that accompany "live," he explains, have not yet arrived.

For now, he's staying put but will continue working with the city's planners and developers through his involvement with the local ratepayers group. Says Eaglesham, "I'm doing my share to deliver the dream for others."

then incorporated into regional and municipal official plans and zoning bylaws. With these documents it is clear when, where and how development takes place.

Developers like Martin Blake, vicepresident of Toronto-based The Daniels Corp., recognize the importance of having the intensification rules in place, clearly and consistently established, so that everyone can move forward in a positive way.

“I believe that consistency helps to level the playing field and allows residents, developers, municipal planning staff, councillors — everyone — to understand where things are going and what the ultimate goal is,” says Blake,

whose company’s residential towers are home to thousands across the GTA.

Building for the millennium doesn’t always match outdated bylaws that haven’t been updated for decades. Sometimes communication breaks down.

There have been cases when town or city staff endorse an application, but council denies it. If a development application isn’t endorsed by both, the land owner has the right to appeal the decision to the Ontario Municipal Board, which removes local political pressure and renders decisions in accordance with the Planning Act.

Sometimes, it is the residents and planners who disagree. “The very first and highest priority for city planners is

to represent the public interest,” says Keesmaat.

But, as she points out, making a recommendation in the public interest sometimes means that a municipal planner and the neighbourhood may disagree on a particular issue because the planner also represents the much broader community interest. Public transit is one such issue that needs to be better understood in a larger context.

Blake stresses the importance of community consultation and support before proceeding with intensification “We spend our time with the community to understand its hopes and goals before we go forward to present a project,” he says.

Ultimately, the aim is to develop a proposal so compelling that people from the community will, literally, buy into it.

“When you think about people who are going to be your end-users — the people who will live in those buildings — you want them to be from the community,” says Blake. One of the key outcomes of intensification is to create opportunities for residents to live in a community their whole lives as their needs change.

Some issues, including intensification, can create a divide between local resident aspirations and the bigger planning picture for the community, but Keesmaat is optimistic.

“If it’s a good process, you learn something and you think differently at the end,” she says.

After all, she says, decisions on how to invest in a sustainable city and improve quality of life are made best when people come together with the entire city in mind.

LISTEN AND LEARN

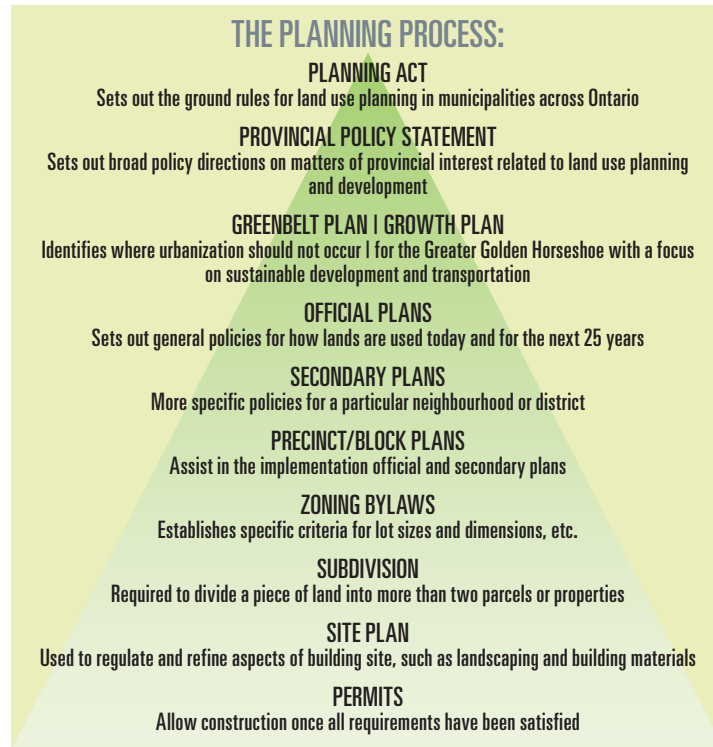
Residents can help shape the look and feel of new developments by becoming involved in the planning process.

All development projects follow rules and regulations set out by various levels of government, from the proposal stage right through to the actual building phase.

The planning process in Ontario provides an open public forum that is dependent on your awareness of and engagement with local issues.

To learn more, check out these resources.

- Ministry of Municipal Affairs and Housing (MMAH) mah.gov.on.ca
- Places to Grow placestogrow.ca
- Ontario Municipal Board (OMB) omb.gov.on.ca



This is the second in an 8-part series sponsored by BILD.



41,292 NEW HOUSING STARTS
A key to economic growth in communities all around the GTA!

193,300 JOBS CREATED IN 2011
The new home construction and residential renovation industry is one of the largest employers in the region!

\$10.1 BILLION IN WAGES
These wages show up as purchases all over the GTA, contributing to the overall economy!

\$24.6 BILLION IN INVESTMENT VALUE
New home construction and residential renovation is the largest single wealth-builder for many GTA families!

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one home at a time

The residential construction industry is essential to the economic foundation, job creation and long-term prosperity of the Greater Toronto Area!

For details, visit bildgta.ca or renomark.ca

BUILDING A HOME, FROM DIRT TO DOOR

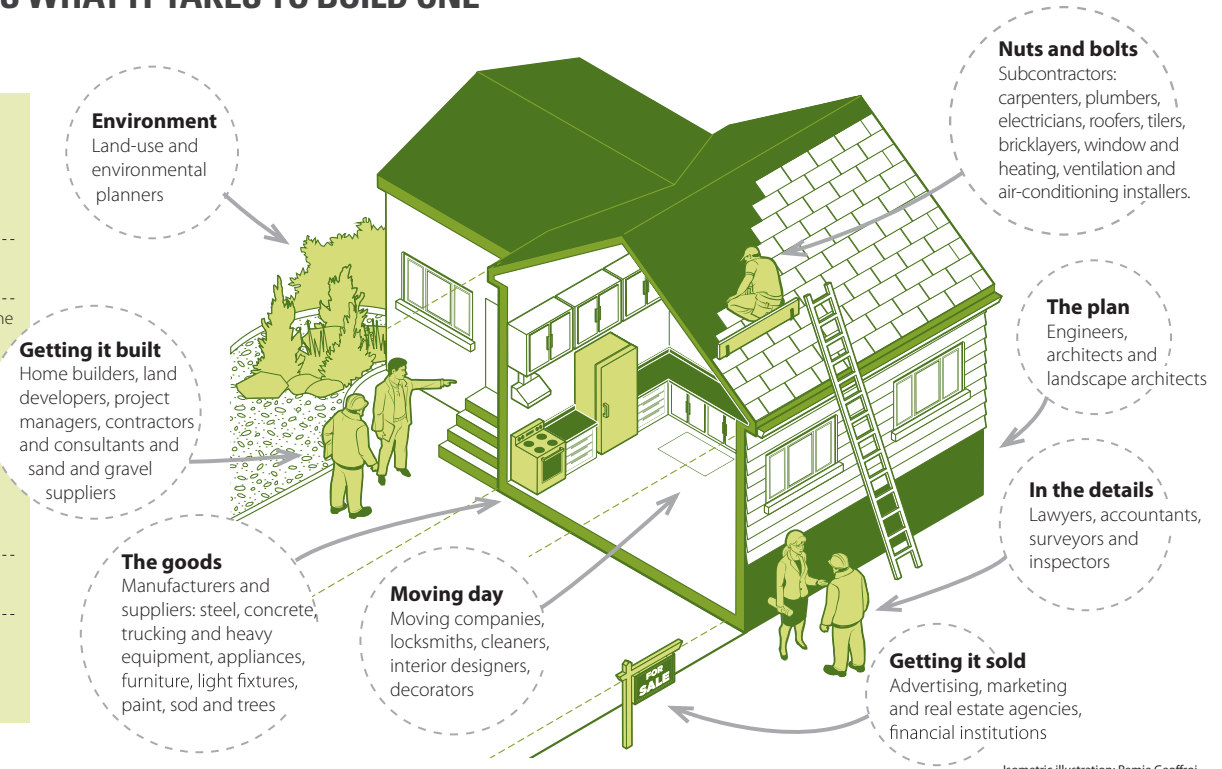
NEW-HOME CONSTRUCTION EMPLOYS THOUSANDS AND CREATES A THRIVING INDUSTRY IN THE GTA. HERE'S WHAT IT TAKES TO BUILD ONE

BY THE NUMBERS

Economic impact of the land-development, home-building and professional-renovation industry in 2011:

41,292	New housing starts
193,300	Jobs in new-home construction, renovation and related fields
\$10.1 billion	Wages generated in the construction and renovation fields
\$24.6 billion	Construction value
\$ 6.5 billion	Total federal and provincial government revenues

Source: Canadian Home Builders Association



Isometric illustration: Remie Geoffroi

BOAZ FEINER: LOW-RISE



GREG PACEK

Boaz Feiner: Building a home can take 30 to 34 weeks from excavation to construction.

Boaz Feiner, president of Geranium Homes, a company that has built more than 7,000 houses over the past 35 years, says it's a "mass co-ordination effort" to build a home. According to the 2012 BILD Home Builder of the Year, typically around 200 people work on building a single home.

FIND A SITE

Given the scarcity of developable land in the GTA, it's becoming increasingly difficult to find sites, says Feiner. "Low-rise builders are starting to look farther afield than they would have historically looked."

But location remains a key consideration when looking for good-quality sites — those that are close

to transportation, shopping and other amenities.

PREP WORK

Once a suitable site is found, the real groundwork begins. "We'll spend many months working on our contracts, scopes, research and development, getting all the approvals," Feiner explains. "We coordinate efforts, so that when we finally put the shovel in the ground, it's like pushing the Go button."

TIE IT IN

If the new home is a greenfield development — a planned community on previously undeveloped land — the builder must tie in the subdivision with municipal services such as

sewer, water and electricity, and also oversee the creation of new roadways, streetscaping and parks. Developers typically cover the up-front costs of doing the preliminary servicing work on pioneer sites. “We come up with the money and get paid back a portion of that over time, as we and other builders start connecting to the services,” says Feiner.

BIG DIG

For high-volume home builders like Geranium, the construction process is streamlined and efficient. “When we go into the ground, we’ve already determined any issues we might face and we come up with a strategy to resolve them,” Feiner says. “So when we start, it goes quickly. From excavation to foundation to framing to the roof — all of it has been engineered and approved.”

Feiner is a fan of prefabricated construction elements, such as factory-made wall panels, flooring and roofing systems. Prefabricated components make the construction process more efficient and environmentally friendly, he notes, ensuring quality control that results in a better-built home.

MASS CO-ORDINATION

It takes between 30 and 34 weeks to build one of Geranium’s 40-foot homes, from excavation through to construction completion. All in all, more than 100 companies are involved in putting together a home, Feiner estimates, from consultants for architecture, engineering and approvals, to the trades doing the construction, from the concrete pourers, to plumbing, heating and electrical contractors.

ALAN VIHANT: HIGH-RISE



THE RIGHT SITE

Being in a “hot” neighbourhood, with restaurants and walkability, is great, but developers willing to pioneer yet-undiscovered locales can benefit from lower land costs, which translates into more affordable condos. “We’re always looking at locations where we can get a pricing advantage,” says Vihant.

COMMUNITY BENEFITS

Developers can apply to rezone land. In Toronto, communities can receive benefits like libraries, recreation centres and streetscape improvements in exchange for increases to height and density.

As an example, at Pace, Great Gulf’s project at Dundas and Jarvis, Vihant notes that the builder has devoted an entire floor of units as live-work studios for use by the non-profit organization Artscape.

FEEDBACK/CONSULTATION

Once the developer and its engineering and design teams come up with preliminary plans for the condo, the builder

will meet with area councillors and planning staff to get feedback. They typically meet with community members as well. “You have a dialogue with key stakeholders to figure out what is acceptable about the project,” Vihant explains. And, of course, “sometimes you just can’t make everyone happy,” he says.

ON SALE

Some builders will bring a project to market even before rezoning is in place or final design details are worked out. Their urgency is understandable: banks usually require that up to 70 per cent of a project be sold before they’ll finance its construction.

“The way we sell projects is changing; the time frame is getting longer,” says Vihant, noting that new home buyers are a mix of investors and end users.

DIG IN

Of all stages of construction, digging takes the longest. “The hardest part

is getting down and back up again to grade level,” says Vihant. He points out that it took a whole year to get to the bottom of the six-level pit for One Bloor — a 75-storey project at Yonge and Bloor — and it will probably take his company “just shy of a year to come back out of the ground.”

But once the podium, or base, of a condo is built, the pace of construction picks up considerably. “On a typical condo project, you can go up a floor a week,” says Vihant. He estimates that at least 400 to 500 people are involved in the construction of a condo, including consultants, construction trades and suppliers delivering materials to the site.

ROGER YIP

It can take up to 500 construction workers to build a high-rise condo, says Alan Vihant.

As senior vice president of high-rise development for Great Gulf Homes, Alan Vihant estimates that he’s helped build thousands of homes within 40 high-rise developments during his career.

This is the third in an 8-part series sponsored by BILD.

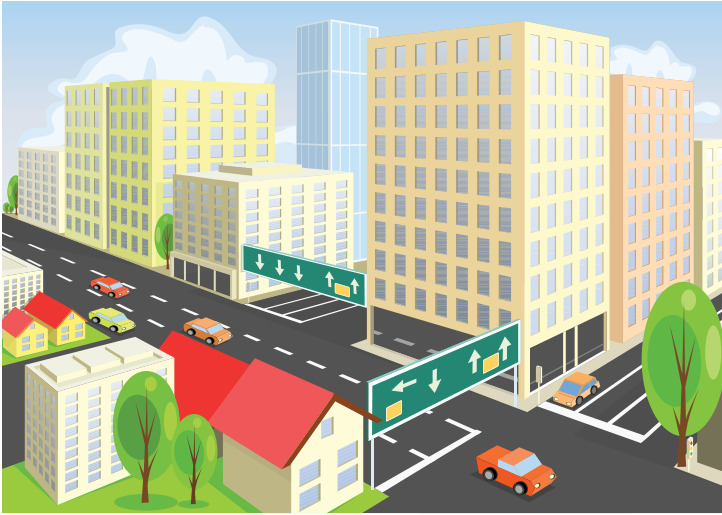
EDUCATION IS THE KEY TO INNOVATION

The land development, home building and professional renovation industry is constantly evolving as policies, building technology and marketing techniques change. BILD holds numerous educational seminars, panel discussions and training programs so that the industry can deliver the highest quality homes for residents of the GTA. *So why is education so important to us?*

BILD BECAUSE THE GTA IS OUR HOME TOO

URBAN HUBS: THE NEW NORMAL

THE TRADITIONAL CANADIAN HOME AND NEIGHBOURHOOD ARE EVOLVING



“LIVE, WORK, SHOP, PLAY IN THE SAME NEIGHBOURHOOD — THIS IS THE STRENGTH OF THE NEW PLANS.”

CLIFFORD KORMAN ARCHITECT

homes are getting smaller. According to the Canada Mortgage and Housing Corporation (CMHC), in 2000 the average size of a singlefamily, detached home in Canada was 2,266 square feet. In January 2012 a CMHC survey reported that the average new home was 1,900 sq. ft. in size, which is expected to continue decreasing.

Following this new norm are the units in high-density dwellings such as condos and apartments, which average 800 square feet. But as spaces shrink, efficiency and functionality will grow.

Developments are changing, from single-use buildings to mixed-use. “Live, work, shop, play in the same neighbourhood — this is the strength of

THE GROWING POPULATION density in Toronto and its suburbs is redefining the traditional Canadian home, says Toronto architect Ian MacBurnie.

“The city is growing, the GTA is growing, and we’re fortunate that it is,” says MacBurnie, an associate professor at Ryerson University’s department of architectural science. “It’s good economically [and] obviously providing opportunities for employment in the construction sector, real estate and [other] areas.”

More and more people in Toronto and its suburbs are living in high-density, high-rise buildings. According to 2011 census data for the City of Toronto, released this past September, from 2006 to 2011 high-rise apartments increased as a proportion of all dwellings in the city, by 13 per cent. Further, over the last five years, the fastest-growing region in Canada is Toronto and its suburbs — specifically Mississauga, Brampton, Ajax, Markham and Vaughan. According to the Ontario government’s recent projections, by 2036 the population of the

GTA will increase by 44.6 per cent, to about 9.2 million.

As MacBurnie points out, that means the universal desire to own a house poses a problem in the GTA, where the population continues to grow and land available for building new homes is dwindling.

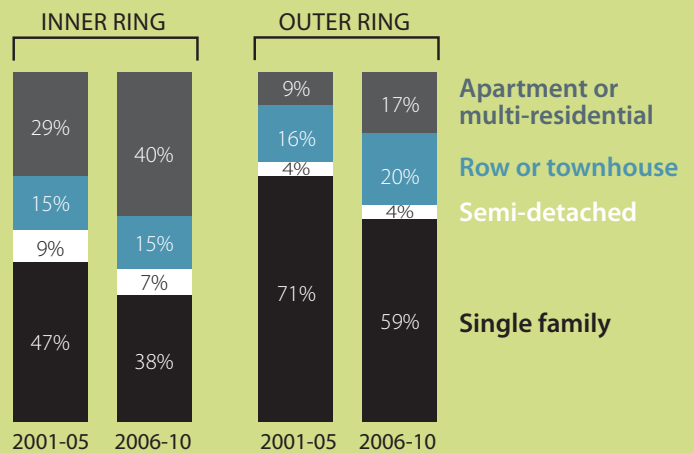
In 2006, Ontario unveiled its 25-year Places to Grow program, starting with a growth plan for the Greater Golden Horseshoe region. The initiative aims to preserve land and foster smart growth by encouraging municipalities to build dense, mixed-use communities close to public transit and infrastructure.

Less land and more people means the traditional notion of home will have to evolve. While single-family homes will still exist, fewer of them will be built and prices will increase. The idea of “the good life as being a house with a car in the garage and a backyard,” says MacBurnie, will need to change.

The evolution is already in progress. Fewer people are living in single-family detached homes and those

Housing construction starts by unit type

Are things really changing? Housing construction is one indicator. Residential densities have increased in both the cities and suburbs, evident by the types of construction taking place across the Greater Golden Horseshoe.



INNER RING: Since 2006, 65 per cent of all housing units being constructed in the Census Metropolitan Areas of Toronto, Hamilton and Oshawa were apartments or town houses.

OUTER RING: Since 2006, 37 per cent of all housing units being constructed in Census Metropolitan Areas such as Barrie, Kitchener-Waterloo and Guelph were apartments or town houses.

SOURCE: ONTARIO MINISTRY OF INFRASTRUCTURE AND THE CANADA MORTGAGE AND HOUSING CORPORATION

the new plans,” says Clifford Korman, a founding partner and architect at Kirkor Architects & Planners, which is based in Toronto. “The new norm [is] putting people in core areas where you have all the existing facilities.”

High-density developments are being built in areas close to transit lines, retail centres and green space. In Toronto’s Liberty Village neighbourhood, for example, new condos under construction are mere steps to a grocery store, restaurants and cafés, fitness facilities and the King West streetcar line, as well as a short drive to major highways.

This same smart development is showing up in the suburbs, where Korman says his firm is building “urban nodes,” or hubs of activity, in municipalities such as Markham. These GTA municipalities are starting to embrace smaller spaces and high-density dwellings, according to 2011 data from RealNet Canada, a real estate research firm headquartered in Toronto. Of newhome sales in Vaughan, 47 per cent were high-rises; in Markham it was 52 per cent; and in Mississauga, it was 76 per cent.

MacBurnie points to Mississauga as a good example of a municipality that has met the challenges of transitioning their community.

“Mississauga [has moved] from a post-war model of car dependents and low-density subdivisions to one that is fully embracing smart initiatives of higher-density development [and] investment in transit,” says MacBurnie.

“What you’re seeing is an evolution in thinking.”

COMPACT CONVENIENCE

YOUNG FAMILY SAYS SMALL SPACE IS JUST WHAT THEY NEED



ROGER YIP

Sony Giwa is a 29-year old advancement officer at the Canadian Institute for Advanced Research. She lives downtown with her husband and baby daughter. Their Liberty Village two-bedroom condo may not boast the same square footage as a detached home but with restaurants, shops, entertainment and public transit just steps away, space matters less.

Where did you move? To a two-bedroom condo in Liberty Village from a condo in Mississauga.

Why did you choose the neighbourhood? Liberty has everything we need. There’s a grocery store right here that’s open 24 hours; there’s an LCBO, coffee shops, restaurants.

What appealed to you? The fact that it’s in Liberty; the fact that it’s a two-bedroom. Ideally, we would have liked to have had a two-bedroom plus den just because my husband does work from home sometimes, but the two-bedroom space is big enough for us while we have a young child. We really liked this building in particular. I liked the builders. In terms of the unit, I like that it’s a split layout — one bedroom is on one side and the master bedroom is on the other side. It also has a walk-in closet and a larger-size shower.

The finishes were done really nicely. It has the island, which has been really helpful for when we’re entertaining. Everyone tends to congregate around the island when we have people over. Space-wise and the actual layout, it seemed like it was a good use of space. We looked at some [floor plans] and they had a really long hallway or corridor — wasted space. Closet space was definitely key, and the storage unit was also a good size.

Why a condo? We really wanted to stay in the downtown area. To be able to afford a house right now is not something in our books, but a condo actually works out well for us — we don’t have time to take care of a lawn or shovel driveways in the winter. . . . A condo offers us that kind of ease.

What’s next? We’re renting the place we’re in now. It was our first time living in Liberty together, so we wanted to make sure it was definitely a spot we’d want to purchase and own. There are buildings that are by Pure Plaza [Corp.]. They’re just going up right on East Liberty. They’re stunning units. We’re waiting to get into one of those units. We’re looking for the two-bedroom plus den. We’re going to see what the prices are and figure out if it makes sense to buy or rent for the next year.

This is the fourth in an eight-part series sponsored by BILD.



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BECAUSE THE GTA IS OUR HOME TOO

DON'T WANT TO MOVE? GO FOR A RENO

HOMEOWNERS CAN UPGRADE, EXPAND PROPERTY AND STAY IN THE NEIGHBOURHOOD THEY LOVE

KENZIE CAMPBELL SEES the value in staying in one place — except when he's on the phone. "I do my best thinking while walking around," he says, laughing.

He has just stepped away from his company's booth at a recent home show to offer advice on home ownership and renovations — two topics he knows a lot about. Campbell is the general manager of Royal Home Improvements, an Etobicoke-based renovation company that's been operating in the GTA for 40 years. If selling your home doesn't seem to make sense, he says, think about investing in a renovation that can add comfort and value to the place.

In Canada, home renovation is a huge industry. In 2011, Canadians spent \$66 billion on renovations. In the GTA, residential renovations accounted for 101,700 jobs, generating \$5.3 billion in wages.

"If you're in an escalating marketplace, where all properties are rising equally, you sell one and buy another. You pay all of the municipal fees, the land transfer [tax and] moving fees and you probably will still want to renovate."

That's a lot of money that could go toward making improvements to the home you live in now, he points out. "What would you get? I'll tell you — a beautiful kitchen [with] top-notch wood, solid granite countertops, the best lighting, beautiful tile, nice appliances. You'd get a swank bathroom — all the modern finishes."

When making major changes to your home, Campbell says, it's important to trust the advice and workmanship of the people doing it. One of the best decisions you can make is to go with a trusted, professional renovator, he says.



GREG PACEK

Lisa Sibbick discusses reno plans with Royal Home Improvements project manager Aric Bagshaw. "They really wanted the job — and it showed," she says.

FIND A PROFESSIONAL

THE SIBBICK FAMILY ARE SET TO MOVE BACK INTO THEIR PROFESSIONALLY RENOVATED HOME IN BRAMPTON

Hiring professional renovators can save you a lot of time and money in the long run. They have the connections to all of the people you need, such as engineers, arborists and planners. If you need a permit, for example, they know where to go and who to talk to.

For Lisa and Edward Sibbick, who decided to update their small three-bedroom home, renovations began on Sept. 4. Their property sits on just under an acre of land in northwest Brampton. Lisa hired Royal Home Improvements to build a 1,000-sq.-ft. extension and renovate the entire house. The couple and their daughter, Kassie, should be able to move back into their "new" home Dec. 19.

"We have an old ranch bungalow. It was 1,100 sq. ft., so it was a tiny little house and I wanted something bigger," says Lisa. "We did look around to see if we could buy something in the area, but trying to find an acre in Brampton for something we could afford — no way! It was worth our while financially to renovate. We get to keep the nice-sized yard and now have a nice house on it.

We had to contact an architect first to provide all the drawings, which are needed for a permit. Then I looked around for a contractor. We chose Royal Home Improvements. The big thing for me was they made it a point to come to the house and to sit down and answer in person any questions I had — not on the phone and not by email. It made [us] feel like they cared, [that] they really wanted the job — and it showed.

My advice to others considering renovation: Make sure you are dealing with professionals. It makes a big difference. It gives you peace of mind.

In fact, Campbell is part of a group that helps you find one. In addition to his full-time job at Royal Home Improvements, he is on the board of directors for the Building Industry and Land Development

Association (BILD) and chairman of its Renovators' Council.

"We understand that the industry has some potential bad optics, but we know that by banding together, networking and using the educational

component of an organization like ours, and having that code of conduct, we changed the lay of the land a little bit," he says.

To become a renovator member of BILD, they are required to abide by

“USING RENOMARK TO FIND A CONTRACTOR MEANS ‘YOU HAVE THE KNOWLEDGE THAT THE PERSON HAS BEEN VETTED ALREADY.’”

KENZIE CAMPBELL CHAIRMAN, BILD RENOVATORS’ COUNCIL

a renovation-specific code of conduct that includes providing written contracts, offering a two-year warranty and carrying a minimum of \$2 million in liability insurance. The association screens potential candidates and constantly reviews and monitors the performance of its member renovators. BILD recently relaunched RenoMark.ca — the website for the

11-year-old Reno-Mark program it founded, which connects consumers with professional renovators across the country.

Campbell sees nothing but benefits in using RenoMark to find a contractor. “You have the knowledge that the person has been vetted already. It’s still important to do your homework to find the right fit,” he added.

In essence, what this all translates into is a great source for consumers to find the right contractor and a RenoGuide to help them through the process. One such is BILD’s renovator of the year, Paul Gallop. Gallop’s Etobicoke-based company — Men At Work General Contractors — is another long-standing renovation company in the GTA, but that hasn’t stopped the firm from modernization, including keeping up with technological developments.

“There’s no single component that makes for a good renovator or a happy customer, but communication is one of the biggest,” says Gallop. Men At Work uses a webbased project management system that allows customers to log in and view online all the details

pertaining to their project, including official documents, drawings and revisions, quotations from suppliers and subcontractors, and technical specifications for appliances and fixtures.

It’s the kind of innovation that has led to the recognition of his company as an industry leader. However, Gallop notes that the use of technology isn’t the only indicator of a good renovator. He points back to RenoMark.

“Renovators who want to strive for that higher level are participating in that program,” he says. “But until the adoption of that program and the more recent major promotion of it, there have been very few things that consumers can do to distinguish the pros from the not-so-pros.”

That’s not the case anymore, Gallop says. Now, consumers can connect with the pros through RenoMark and take full advantage of the place where they already live.

CONSUMER CHECKLIST FOR FINDING A GOOD CONTRACTOR

TWO EXPERT RENOVATORS TELL YOU WHAT TO LOOK FOR IN A PROFESSIONAL RENOVATOR

- ✓ **Control** A good renovator likes to oversee all aspects of your renovation. “The more I’m in control, the less [outside] variables there are,” notes Kenzie Campbell, general manager of Royal Home Improvements.
- ✓ **Longevity** Look for a company that’s been around for a while, with a bricks-and-mortar operation — and office space — to make sure it won’t have liquidity problems. According to Paul Gallop, who owns Men At Work General Contractors, “70 per cent of construction companies fail within the first seven years.” His advice: “Look for someone who’s been around.”
- ✓ **Communication** Royal Home Improvements ensures that each of its project managers has a BlackBerry or a smartphone. “It makes them accessible 24/7,” explains Campbell.
- ✓ **Paper trail** Plans, promises, timelines — good renovators will provide these to you in writing throughout the project. Campbell recommends asking for email updates and looking for contractors who happily provide.
- ✓ **Credentials** Credentials can be bought, sure, says Campbell, but it doesn’t matter. Companies that invest in credentials and make the effort to be members of associations, and learn about what’s offered in the current marketplace — those are companies that have the energy necessary to build out their business.

This is the fifth in an eight-part series sponsored by BILD.



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FROM THE GROUND DOWN

WHY GTA HOME BUILDERS ARE RESPONSIBLE FOR GETTING TO THE CORE

WE'RE USED TO the sight of condominium towers all over downtown Toronto being built or already built. But more than likely, few of us are aware of the critical infrastructure and services, like sewer, water and transportation connections, which are prerequisites to the construction of each and every one of these buildings.

"When you do a development in the downtown core, you don't just dig a hole, put up a building, and that's it," says Steve Upton, incoming chairman of the Building Industry and Land Development (BILD) and vice president of development for real estate developer Tridel. "There are a lot of other things that a builder has to take into consideration to make sure the [structure] gets built and functions properly."

Upton, whose company is a leading builder of condominiums in the Toronto area, sheds light on the critical infrastructure underlying the construction of a downtown condo — how the project is planned and built, and who pays for the upgrade and expansion of vital services.

The most basic infrastructure needed for a condo building to function would be the systems for handling water, sewage and stormwater from rain or melting snow. But while these services are already in the ground at most sites in downtown Toronto, the developer must determine — through a feasibility study conducted prior to submitting a development application to city officials — if the existing systems' capacity is sufficient to service a new project. If they're inadequate, the developer has to upgrade the services.

"Sometimes the most important part of your home is the part you don't see: the systems that ensure health and

safety for those living in that new home and community," Upton explains.

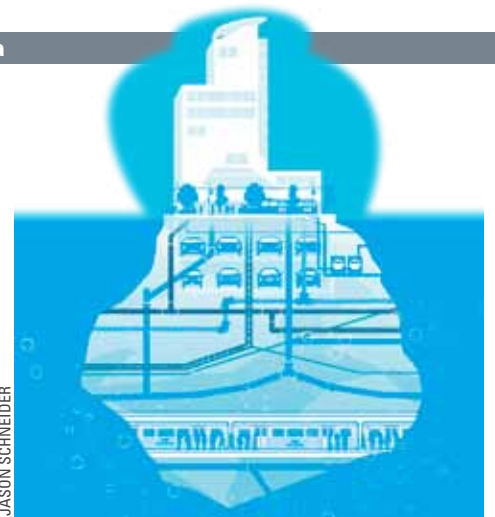
Other infrastructure required for condo buildings would be the gas lines, hydro service and fibre optic lines for telephone and Internet services. The developer also must assess the impact that the new building would have on local roads, traffic, transit, parking and pedestrians. For example, would roads or sidewalks need to be widened? What streetscaping fits the neighbourhood — for instance, planting trees or adding lighting? A developer would also be responsible for infrastructure requirements such as parking garages.

Things are different, however, when building a community from scratch, such as those in the Kleinburg-Nashville area in the City of Vaughan. This part of the growing city was in need of infrastructure investment and it took the form of not just sewer and water systems but also some major transportation improvements.

The city planned for more than 8,000 people and jobs to come to this new community and worked with the development community to get the services in place in time for the new residents and businesses. The majority of the growth-related infrastructure, which cost about \$37 million, was designed, constructed and funded by the developers of the new communities.

David Stewart of Vaughan-based TACC Developments says, "The process took about eight years to ensure that the 3,000 new homes of Nashville Heights, a community that will have schools, shops, parks, trails and a mix of housing, will also be served with the necessary water, sewer and transportation connections.

JASON SCHNEIDER



“TO GET THE JOB DONE PROPERLY, OUR COMPANY RECOGNIZES THAT WE HAVE TO WORK CLOSELY WITH MUNICIPAL AND REGIONAL PARTNERS, AS WELL AS RESIDENTS’ ASSOCIATIONS AND CONSERVATION AUTHORITIES BECAUSE THE REQUIREMENTS AND BENEFITS ARE ACROSS THE BOARD.”

DAVID STEWART, TACC DEVELOPMENTS

"To get the job done properly, our company recognizes that we have to work closely with municipal and regional partners, as well as residents' associations and conservation authorities because the requirements and benefits are across the board," says Stewart. "This project will generate over \$200 million in development charges paid to the City of Vaughan, York Region and the school boards. These charges will help pay for new infrastructure, transit and other community improvements."

The cost of a new sanitary sewer was front-ended by the developers, and the municipality and the region applied development charge revenue to the related water system enhancements. Surrounding neighbourhoods also benefited from road improvements that came as a result of growth. For example, Hwy. 50 was widened, and Hwy. 27 and Major Mackenzie Dr. were improved.

When critical infrastructure needs to be expanded or upgraded to service a new condo development, the developer

pays for it. "The city gives you a list of contractors, and you do it at your own cost," Upton says. "It can be expensive, but it's necessary in order to service your property."

As well, downtown developers are often required by the city to bury hydro lines below ground, an added cost that is typically borne by the builder.

In some cases, for instance, when a community is going to be built from scratch, the developer will front-end the cost of the incoming infrastructure. That means that the developer shares the cost and the risk with the municipality.

Builders also pay development charges, which are levies imposed by the city to fund growth-related capital costs across the municipality — childcare, parks and libraries; police, fire and emergency medical services; roads, transit, sewers and water and stormwater management.

If the developer can tie into existing services and infrastructure, building a condo downtown can entail a less costly and less arduous process. However,

GROWING PAINS IN YORK REGION

INFRASTRUCTURE CRITICAL TO SUPPORT UPCOMING POPULATION SURGE NEEDS SMOOTHER ASSESSMENT PROCESS, SAYS BILD PRESIDENT

In anticipation of significant population growth, York Region is expanding its York Durham Sewage System (YDSS), which will serve both York and Durham regions. Currently under construction is the Southeast Collector (SEC) Trunk Sewer Project, a \$570-million initiative involving twinning the existing sewage line through delivery of a new 15-kilometre tunnelled pipe extending from Markham to Pickering.

The region's Capital Construction Program also includes rehabilitating the existing 40-year-old sewage line and \$900 million in upgrades to the Duffin Creek Water Pollution Control Plant.

The Southeast Collector endeavour is the first trunk sewer project in Ontario to undergo an individual environmental assessment — a rigorous process normally reserved for large-scale, non-routine infrastructure projects that have the potential, according to the Ministry of the Environment, for “significant environmental effects and major public interest.”

Expansion of the York Durham Sewage System is critical to accommodate approximately 400,000 new York Region residents — or 150,000 housing units — expected by 2031 in the area serviced by the system.

“When the Southeast Collector Trunk Sewer Project was originally contemplated more than 10 years ago, the estimated cost was around \$175 million; now it's over half a billion dollars,” says BILD president and CEO Bryan Tuckey, who is a former Commissioner of Planning and Development Services with York Region. He also points out that the Region must “collect development charges to pay for that” — charges that will ultimately result in higher home prices. Project cost increases have occurred partly as a result of the Region's decision to use advanced tunnel-boring machines and treatment technologies to meet stringent regulatory requirements.

Southeast Collector project costs also include more than \$15 million in enhancements planned for Markham and Pickering. Improvements already underway include Bob Hunter Memorial Park, Rouge Park, trails and wetlands, tree planting and planned scholarships.

If the province wants to encourage intensification as part of its Places to Grow policy, Tuckey says it needs to look at streamlining its environmental assessment and approvals process to help municipalities more efficiently and cost-effectively expand their infrastructure to accommodate future approved growth. Routine infrastructure projects such as wastewater trunk sewers and treatment plants could follow a more streamlined environmental assessment process similar to what the province has approved for rapid-transit projects.

Says Tuckey, “I think we have an environmental assessment process that could be better structured to assist municipalities completing critical infrastructure projects to service provincially mandated growth.”

building downtown might also come with surprises that a developer with a new subdivision on a vacant field will not encounter.

“Sometimes you get in the ground and you don't know what you're going to find,” Upton says. “The city's drawings and the things they've done engineering-wise over the years aren't always up to snuff. And when you get surprises, that's when the extra costs come in.

“When you're excavating to put in a stormwater pipe, for example, you don't want to go down and hit a gas main that you didn't know was there, [and] all of a sudden, you have to replace a whole gasmain piping system!”

In an area where new infrastructure has to be built to support future homeowners, there can be surprises too. Wildlife habitat, natural heritage and archeological areas have to be identified through development studies and planned for accordingly.

As the GTA continues to grow, improving and installing infrastructure becomes critical to residents' health, safety and quality of life.

This is the sixth in an eight-part series sponsored by BILD.



WORKING **TOGETHER** TOWARD A GREATER GTA

Building healthy, complete communities is a team effort. That's why BILD works closely with our partners in government to establish fair and effective policies that affect the land development, home building and professional renovation industry in the GTA. We are always at the table on behalf of the industry and new home buyers. So why is advocating on your behalf so vital to us?



BECAUSE THE GTA IS OUR HOME TOO



MIXING IT UP

COMPLEMENTED BY THE PROVINCIAL GOVERNMENT'S GROWTH INITIATIVE, DEVELOPERS ARE RIDING THE WAVE OF THE FUTURE WITH MULTI-FUNCTION URBAN AREAS

MIXED-USE COMMUNITIES ARE well-planned urbanized areas where people can live, work and play and the benefit beyond having all of those places nearby, is that the pressure on local resources like sewer, water, roads and transit is minimized.

Mixed-use development — which creates a complete community by blending residential living

with a combination of commercial, retail or industrial spaces within a single area or building — provides condominium and townhouse communities with easily accessible places to live, work and shop. This urban design principle has been embraced by large and growing cities. Mixed-use development aims to utilize land more efficiently and cut down on traffic congestion and infrastructure expansion.

By adding a mix of uses to the land, there is a greater return on the land value. In addition to providing employment opportunities for local residents, these lands also generate business tax revenue for the municipality.

When land was plentiful and uses were separated, commercial and industrial facilities were frequently built away from where people lived. But as Toronto grew, so did traffic congestion and commute times. Now, the amount of land that could easily be converted into subdivisions, businesses, shopping malls and parks without straining roads, sewers and green spaces is reduced. In 2006 the provincial government brought in the Places to Grow Act, which restricted new development to designated growth areas and encouraged mixed-use developments.

Consequently, new housing communities throughout the GTA would become more densely populated in order to conserve land for the future.

For some communities, this meant more townhouses and, for other areas — such as those along subway lines and busy arterial roads — more condos. But implementing the province's growth strategy also meant that these new communities must incorporate places where people can work, play and shop, as well as raise families. Land developers in the GTA now aim to incorporate all of these functions into their creatively-designed projects.

One such community that's in sync with the principle of mixed-use development is at 156 Portland St., located in the bustling Queen Street West neighbourhood. When it was completed in 2011, it offered 96

condominium units and an assortment of retail stores such as Winners and Loblaws, as well as a new, innovatively designed branch of BMO Bank of Montreal. There is, in fact, more non-residential floor space at Queen and Portland than residential square footage.

"It started as an opportunity to add value to a building and make it more than people just living together," says Steve Deveaux, vice-president of land development for builders Tribute Communities. "It was an opportunity to build a more interesting vertical neighbourhood."

Evidence of the shift to increased mixed-use development outside the City of Toronto as well, is Markham's World on Yonge community, currently under construction at Yonge St. and Steeles Ave. A project of

BLENDING RIGHT IN

BANK SEES MIXED-USE DEVELOPMENTS AS AN OPPORTUNITY TO NURTURE STRONG RELATIONSHIPS WITH CUSTOMERS

In October 2011, BMO opened up a new branch within the Queen and Portland development of builders Tribute Communities. Specifically designed to blend into an urban residential setting, the branch has few of the physical barriers between staff and customers typically found in traditional bank branches, such as counters and desks.

The design of bank branches like the one at Queen and Portland allows BMO to establish a friendly presence in emerging communities and be closer to where customers actually live, says Paul Dilda, head of the bank's North America Branch Channels.

ARE YOU HAPPY WITH HOW THINGS ARE GOING AT QUEEN AND PORTLAND? ARE THERE SIMILAR BRANCHES PLANNED?

We have been opening new branches in key markets across the country, particularly where we see increased development. The neighbourhood served by our Queen and Portland branch is such a market, where increased residential density [arising] from redevelopment over the years has created a vibrant neighbourhood that we are delighted to serve. Our branch location is conveniently located [amid] groceries, drugstores and other retailers. We are very happy

with how things are going there; our branch is well received by the community and our team is having great conversations with our neighbours every day.

WHAT ATTRACTED YOU TO THIS TYPE OF LOCATION? DOES BMO WANT TO BE CLOSER TO PEOPLE IN CHANGING HIGH-DENSITY NEIGHBOURHOODS?

BMO is attracted to the growth that redevelopment has created as well as the sense of community that is formed. Our neighbourhood branch model is designed to be a convenient, welcoming part of such a community. These types of mixed-use developments often offer retail opportunities that provide residents with convenient access to business services, banking being one of them, and we are excited to be a part of the community.

DO EMPLOYEES EXPRESS A PREFERENCE FOR WORKING IN A MIXED-USE BRANCH?

Employees do appreciate being part of the community that this type of location affords [because] they are part of the "scene," which helps to nurture strong relationships with our customers.

Markham-based real estate company Liberty Development Corporation, World on Yonge will feature about 1 million sq. ft. of new residential housing and 500,000 sq. ft. of office and retail space on a 10-acre site. “We wanted to add value to the corner of Yonge Street and Doncaster Avenue and we are doing it by bringing people close to job opportunities, amenities,

transit and the existing neighbourhoods nearby will benefit from the revitalization as well,” explains Marco Filice, a senior vice-president at Liberty Development.

World on Yonge is in an established neighbourhood; it integrates well into the community; and it is close to existing infrastructure and mass transit. It also means that the

City of Markham doesn’t need to build new sewers or roads. Filice compares these new developments to street-scapes before the postwar suburban explosion, when people happily lived above shops or near commercial hubs because they didn’t have cars. “Really, this is a renaissance of how things used to be, before suburban development bifurcated the land,” says Filice.

There still remains areas of the GTA where strategic employment lands need to be preserved for industrial uses such as manufacturing, food processing, wholesale trade and distribution.

“Due to current market trends, there is not much demand for additional manufacturing and processing facilities. However, with an ever increasing amount of imported goods being shipped locally, warehousing and distribution buildings are in high demand. These buildings store product efficiently and even though they not large employment hubs, they are huge generators of tax revenues for municipalities,” says Blair Wolk, vice-president of Orlando Corporation, a major developer of commercial space in the GTA.

According to Wolk, the changing nature of work means there will be greater demand for service-oriented industries such as finance, insurance and other professional services, as well as the growth of the corporate head offices. This kind of facility, however, can be easily integrated into existing neighbourhoods and requires less space per employee.

One such project is the Heartland Business Community, a 1,250-acre development being undertaken by Orlando on Mississauga’s Hwy. 10 corridor, which, says Wolk, is where the municipality has planned for more integration. Once fully built out, Heartland will offer 25 million square feet of office, industrial and retail space — enough to employ 35,000 people.



ROGER YIP

Busy CEO Adrian Bartha, 30, works, lives, shops and spends much of his free time in his Queen and Portland neighbourhood. “There is a good energy [here],” he says.

**LIVE, WORK, PLAY
TIME IS TOO PRECIOUS
TO COMMUTE,
SAYS RESIDENT**

Entrepreneur Adrian Bartha, 30, grew up in Parkdale, in Toronto’s west end. He recently moved into the mixed development community at 156 Portland Street. For Bartha — who is the CEO of eCompliance Management Solutions Inc., a software company that creates Web-based occupational health and safety products — the daily commute to his office is now just a short walk away from his home on Wolseley Street.

**WHAT IS YOUR DAILY COMMUTE TO WORK?
HOW LONG DOES IT TAKE YOU TO GET THERE?**

My commute is around 100 feet! I had to work in the suburbs before and [had to] commute.

**WHAT IS THE QUEEN STREET WEST AND
PORTLAND AREA LIKE TO LIVE IN? WHAT
TYPES OF PEOPLE LIVE HERE?**

This area is very eclectic and it has a lot of diversity to it. There are different types of people from all walks of life here . . . great restaurants and a real a sense of culture and community. I might not be part of all the little communities here, but I like being around them. There is a good energy.

DO YOU SOCIALIZE HERE TOO?

Yes, I stay along King or Queen West or Roncesvalles for the most part. And I feel like I have most of what I need in and around here. Toronto is almost like a dozen different little cities in one, and people usually to stick to their two or three [favourite areas] — and that’s what I do as well.

**YOU’VE LIVED IN THIS AREA FOR YEARS. HOW
HAVE YOU SEEN IT CHANGE AND GROW? HOW
DO YOU SEE IT CONTINUING TO GROW?**

As a child I grew up further on Queen West and this neighborhood has changed a lot. There are some affluence and gentrification effects taking place. As long as it remains diverse I’ll be happy. I want the little independent stores and restaurants to stay.

**WOULD YOU RECOMMEND LIVING AND
WORKING IN THE SAME AREA?**

I’d highly recommend it. I’ll always strive to work and live in places that are close together — it saves time. Time is too precious to spend commuting.

This is the seventh in an eight-part series sponsored by BILD.



ON THE HOME FRONT

MORE THAN 100,000 PEOPLE ARE EXPECTED TO MOVE TO THE GTA EVERY YEAR FOR THE NEXT 25 YEARS. THE TORONTO STAR HOSTED A PANEL DISCUSSION WITH BUILDERS AND DEVELOPERS TO DISCUSS WHERE AND HOW THESE FAMILIES ARE GOING TO LIVE

THOMAS BOLLMANN



A recent panel discussion, moderated by Toronto Star Publisher John Cruickshank, far left, explored issues key to the building industry, as 120 guests listened. It was held at Torstar's Vaughan Press Centre.



The land development, home building and professional renovation has been a major contributor to this province's economy. Do you see this continuing?

*Bryan Tuckey
BILD president and CEO*

The reality of the Greater Toronto Area is this: Around 100,000 people will come to this region

every single year for the next 25 years. Our industry will meet the challenge of building 35,000 to 40,000 homes in the GTA every year to accommodate the people who choose this wonderful area to be their home. The GTA needs a vibrant, resilient, strong and growing economy, which in turn, helps us meet the forecasted growth projections for this region. If there are jobs, the people will come.

In 2011 this industry directly employed 193,000 people in the GTA. It's a substantial contribution to the economy. Sometimes I wonder: How can the industry that has been the glue that's held Ontario together over the last three or four years be so undervalued? The direct jobs result in around \$10 billion in wages generated and \$24 billion in construction value. It's also a local industry in that most of the building equipment and many of the products are purchased close to home, so it also has a huge multiplier effect on the economy of the GTA and Toronto.

Walking down the street, I tell people, "Look to your right and look to your left, and you'll probably see a person who works in this industry."



How are we redefining space and home? What is the new normal?

*Paul Golini
BILD chairman; executive vice-president and co-founder, Empire Communities*

Our region is growing and will continue to grow. I can honestly say most of us, if not all of us, in the industry are in it for one thing — and, by the way, it's not profit.

We're in it because we're really the ones on the ground executing — and we're really striving to deliver, design and plan — vibrant, livable complete communities that provide a mix of uses and spaces for people to enjoy.

We can see that a shift is happening. Ten years ago, the new-home sales statistics showed us that people were purchasing 25 per cent high-rise and 75 per cent low-rise; as of last year, high-rise amounted to 62 per cent of the market share.

We talk about the shift because it's also a story about affordability and land supply. Provincial policy is constraining land supply, which is making ground-related housing harder to find and increasing government-imposed fees and charges are affecting affordability. We have to get back to a more balanced market so new homebuyers can find affordable options where they want to live.

Ultimately, it's all about building complete communities where people want to live, work and play. We know, because we live here too.



RenoMark, a collective of professional renovators who abide by a code of conduct, is helping homeowners avoid bad renovation situations. What is the greatest benefit to being a part of this program?

*Brendan Charters
Member, BILD board of directors; development manager, Eurodale Developments*

RenoMark has a renovation-specific code of conduct. This is critical. It ensures all those things you're looking for as a consumer — written contracts, \$2-million liability insurance, two-year warranty...and you know you are dealing with a professional.

RenoMark started in the GTA and has now gone coast to coast. It is now in eight provinces, soon to be nine. As a renovation company, we're looking to not just be able to compete, but also to try to set ourselves apart. And for us, it lent a lot of credibility to be part of BILD as a whole and then to be tied in with RenoMark.

If a company is willing to put down membership dues and spend time going to forums and educating themselves, they obviously take their business seriously. Our involvement in the Association has educated our company as a whole and allowed us to understand some of the challenges the industry faces.

We are all grouped together — everyone with a hammer and truck. Whether we're on a new-home site or a renovation site, the consumer doesn't know the difference, and so, for BILD to recognize that and want to increase the profile of the renovation segment is paramount. The renovation side is 101,000 jobs — a massive segment of the industry.



You spoke about preserving strategic employment lands. Why is this something people should be aware of?

*Blair Wolk
Member, BILD board of directors; vice-president, Orlando Corporation*

It has been pointed out that around 100,000 new people are coming into the GTA every year. But what hasn't been mentioned is that there are also 35,000 to 40,000 jobs planned for the GTA every year. There is a tremendous amount of growth pressure and we need residential development, but if we don't preserve strategic lands for employment uses, you'd be pushing employment further and further out of our cities' cores.

It's important that municipalities and the province place a high priority on keeping employment lands protected, so we can continue to accommodate this growth in the future. We might have to think differently about it.

For example, in the city of Toronto, there is a shift in the way jobs are being created. There has always been a tremendous amount of manufacturing in Toronto and now that has shifted.

There are real strategic locations where employment lands have to be preserved, especially on major corridors, like main roads and highways, as well as along transit corridors like rapid transitways and subways, so that people and goods can move around quickly and efficiently.



BILD is a partner of Habitat for Humanity in Toronto.

Builders, developers giving back

Since 2003 the Building Industry and Land Development Association (BILD) has rallied volunteers, planned events and raised more than \$500,000 for its community partner, Habitat for Humanity Toronto.

Through that partnership, the industry has helped to end the cycle of poverty for eight Habitat families by building homes and sponsoring projects, as well as participating in Habitat dedication ceremonies and the handing over of keys to those families.

"Giving back is important to our industry and we don't focus on it just at this time of year, but all year long," says Bryan Tuckey, BILD president and CEO.

BILD's annual charity barbecue, held at its North York headquarters, is a major fundraiser for the cause. So is BILD's newest fund-raising event, now in its second year, Stephen's Ride for Humanity, which this year took place in September.

"We are very proud of our partnership with Habitat because we're both in the same business of providing shelter," says Tuckey. "And we are both strong advocates of affordable homeownership."

This is the final in an eight-part series sponsored by BILD.



41,292 NEW HOUSING STARTS
A key to economic growth in communities all around the GTA!

193,300 JOBS CREATED IN 2011
The new home construction and residential renovation industry is one of the largest employers in the region!

\$10.1 BILLION IN WAGES
These wages show up as purchases all over the GTA, contributing to the overall economy!

\$24.6 BILLION IN INVESTMENT VALUE
New home construction and residential renovation is the largest single wealth-builder for many GTA families!

BUILDING A GREATER GTA one home at a time

The residential construction industry is essential to the economic foundation, job creation and long-term prosperity of the Greater Toronto Area!

For details, visit bildgta.ca or renomark.ca





Ontario Home Builders' Association



Achieving Intensification



Tools to Support the Industry



Fall 2005



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1. About OHBA

The Ontario Home Builders' Association is a voluntary organization that represents the vast majority of the builders in Ontario and is the voice of the residential construction industry in Ontario. OHBA's 3,800 member companies are organized into 31 local associations across the province and are involved in all facets of the new home construction and residential renovation industries. It is a voluntary association whose primary goal is to positively impact provincial legislative, regulatory and tax policies that affect the industry.

2. Introduction

The Ontario Home Builders' Association has demonstrated a strong commitment to working with the government over the years on issues that affect the home building industry. Our members live, work and play in the municipalities that make up their community, and therefore, our comments should be taken in balance with the fact that we not only do business in the cities, towns and villages in Ontario, we are also citizens living within these communities.

OHBA has provided detailed comments in our September 24, 2004 submission based on a review of the *Places to Grow* discussion paper by our membership. OHBA provided additional comments and suggestions with respect to the *Places to Grow* Draft Plan in a submission to the government on April 18, 2005. OHBA First Vice President and Chair of the OHBA Land Development Committee, Victor Fiume, made a deputation outlining industry concerns with *Places to Grow* to the Standing Committee on General Government on April 20, 2005.

This document provides the Ministry of Municipal Affairs and Housing and the Ontario Growth Secretariat at the Ministry of Public Infrastructure Renewal with advice from the Ontario Home Builders' Association to support intensification. The suggested policy options and tools contained in this document are derived from OHBA research and a special meeting of OHBA members held on August 9, 2005 to discuss and brainstorm policy options intended to support the industry in reaching intensification objectives outlined in the *Places to Grow* growth plan for the Greater Golden Horseshoe.

We are pleased to offer comments and positive suggestions for tools that will support the residential construction industry in meeting provincial goals and objectives outlined in the *Places to Grow* Draft Plan. OHBA intends to work with the province to ensure the residential construction industry has the capability to build healthy and vibrant communities in the province of Ontario to the benefit of all Ontarians.



3. OHBA Position on *Places to Grow*

OHBA supports in principle the direction of the province's strategy for the Greater Golden Horseshoe. There is no doubt that a provincial plan is needed to manage transportation issues and assist municipalities with funding infrastructure renewal. A provincial growth plan should ensure that all Ontarians can expect a high quality of life, a healthy environment and a prosperous economy.

OHBA supports in principle, the need to implement policies and mechanisms that would provide for a growth management strategy within the Greater Golden Horseshoe. Given the tremendous growth challenges facing Ontario, clarity of direction from the province with regard to planning issues related to growth management is essential. OHBA members realize that a comprehensive, well-conceived forward thinking plan is in the best interest of Ontarians. However, OHBA strongly feels that growth should be planned for as opposed to controlled.

Prior to moving forward with the growth plan the province must address serious issues and concerns with *Places to Grow*. Outstanding issues with the structure, framework and content of *Places to Grow* could potentially impede progress towards its goals and objectives. It would be rational for the province to take the necessary steps to confront problems that have arisen in the first drafts. At first glance, this may seem counter-productive; however the province would be well advised to work with stakeholders to iron out problems with the plan in order to move forward as partners. These issues must be confronted head on and resolved if the province is to achieve the long term goals and objectives of *Places to Grow*.

OHBA has some specific areas of concern which constitute the underlying premise for the growth plan.

- **Growth Projections:** OHBA is concerned that the projections in the *Growth Outlook for the Greater Golden Horseshoe*, by Hemson Consulting are not true demand projections, but rather targets based on the policy of the growth plan. The residential construction industry has not had any opportunity to provide any comment or input into the projections nor scrutinize them in any detail. Since the projections are a fundamental part of the growth plan, it is ill-advised that they are imposed without any input from stakeholders. The growth projections should be subject to public and industry input when the projections are reviewed every five years.
- **Definition of built-up areas and built boundaries:** OHBA requires clarity with respect to what level of government will be responsible for defining the built boundary and how precisely it will be defined. OHBA is also concerned as to whether this will be defined in the sub-area growth plans or regional plans, which will have a bearing on how often the built-boundary is reviewed. This needs to be clarified soon since it will be a key issue for municipalities involved in OP



reviews. The setting of the built boundary should be subject to a public process with an opportunity for industry input.

- **Intensification within existing built up areas:** Major industry concerns on this issue are the lack of available land supply for intensification within existing built-up areas, fragmented land ownership patterns, compatibility with existing established neighbourhoods, the capacity of existing older municipal sewers and watermains to accommodate intensification, pressure on heritage buildings and most importantly NIMBYism. The NIMBY syndrome is a major factor in the opposition of local residents in established neighbourhoods within the existing built-up areas, towards intensification. In many situations local politicians who must face the electorate every few years often side with local residents over the recommendations of their own planning department. OHBA is of the opinion that NIMBYism is the single largest hurdle to overcome in achieving the intensification objectives outlined by the province.

OHBA is concerned that the growth plan focuses on intensification within built-up areas rather than intensification overall. If the aim of the growth plan is to reduce greenfield land consumption, there should be more flexibility to achieve this through intensification in both built-up areas and greenfield areas. Local flexibility towards achieving intensification is essential since the ability to intensify in built-up areas will vary across the Greater Golden Horseshoe.

- **Efficient use of existing infrastructure:** The installation of trunk infrastructure services required for Greenfield development is paid for by the development industry and the new services for individual projects are paid by the new home purchaser. This new infrastructure does not put additional pressure on “the ability of current provincial and municipal governments to fund... infrastructure.” In fact, the pressure on the province and municipalities is to invest in the repairs to existing infrastructure that has been neglected for decades and bring it up to current standards and regulations. Pressure on aging infrastructure would be exacerbated by intensified redevelopment in existing built-up areas.

Investment to expand and repair existing infrastructure benefits and enriches the lives of all Ontarians. The revenue required to finance infrastructure repairs and upgrades must be borne and shared by those who have benefited from improved infrastructure investments. Therefore the entire provincial population should share the cost of infrastructure improvements.

- **Intensification targets for redevelopment within built-up areas and Greenfield development:** The Draft Growth Plan provides some ambitious targets for intensification for new growth. OHBA believes that the target of 200 residents per net hectare is too aggressive and impractical to implement. Even townhomes would not fit into this target since generally a townhouse project would provide approximately 110 residents per hectare.



- **Affordable Housing targets:** OHBA is strongly opposed to the province setting minimum affordable housing targets for all regional market areas within sub-areas. We do not believe that the government should be introducing statements in its housing policy to blend with the goals of its social program. OHBA believes that there is an obligation on the part of all citizens of Ontario (and Canada) to provide housing for the less fortunate members of our society. However, by introducing a set of social policies in the Housing Policy, the burden of providing affordable housing will be ultimately borne by the new home purchasers. All housing will become less affordable for the citizens of Ontario under this scenario.
- **Designated Growth Areas – Greenfields:** OHBA has reservations regarding the interpretation of “designated growth area”. We interpret that it should be considered across the entire upper or single tier municipality rather than on individual lower tier municipalities or on a project-by-project basis. OHBA also notes that the targets are on a gross basis rather than on a net basis. This implies that mandated open spaces are included in the analysis for achieving these targets. This is in conflict with the provincial policies that require the protection and enhancement of natural green space. The more green space that is protected and preserved, the more difficult it becomes to achieve the housing and jobs targets set out in these policies.
- **Sub-area growth strategies:** The City of Hamilton is included in both the GTA-Hamilton and the Niagara Peninsula sub-areas. OHBA recommends that Hamilton should only be included GTA and Hamilton sub area. OHBA further recommends that the province set strict time-lines for completing the sub-area growth strategies.
- **Implementation issues:** OHBA is concerned that the resources required to review the multitude of various municipal and provincial planning documents and policies that are intertwined with the *Places to Grow* Plan will significantly burden municipalities. Both the province and municipalities will endure significant expense and effort to ensure all planning documents are in compliance with the new legislation. OHBA is also concerned that the 10 year review period for the growth plan is too stringent and does not allow an opportunity for the government and stakeholders to monitor the effectiveness of the plan and make modifications if necessary. OHBA recommends that the review period be reduced to a five-year period.
- **Costs of Implementation:** In order to evaluate the impact of the growth plan the province needs to know the cost of all the proposals. The merits of intensification and planned growth, including the real costs associated with the plan, should be able to stand alone on its merit and withstand scrutiny. OHBA recommends that the plan be released in conjunction with the funding mechanism.



- **Transition Policies:** OHBA suggests that a transition policy be set out in the regulations that complement the *Places to Grow* Act. We believe that the new policies should not be applied to applications that are in process and for which a final decision has not been made. Many applications are in an advanced state and significant investments have already been made on the part of applicant and municipalities.

4. Tools to Support Intensification

The members of the Ontario Home Builders' Association are an integral partner with the provincial government in implementing *Places to Grow*. The challenge to increase densities and intensify development will require cooperation between the province, municipalities and the residential construction industry. To achieve the objectives outlined in the *Places to Grow* draft plan, builders and developers will require a set of tools to support intensification from the province and municipalities. The province will also have to assist the development industry in 'selling' the merits of intensification to the public and new home buyers. Achieving the long-term objectives of *Places to Grow* will require a concentrated and sustained effort by all partners and stakeholders.

The Ontario Home Builders' Association is pleased to provide the government with the following suggested tools to support intensification. It is our hope that the government will carefully examine the merits of these policy options to assist the residential construction industry in developing higher density communities that support intensification and transportation objectives outlined in *Places to Grow*.

Zoning

Municipal zoning by-laws are a very important piece of the intensification puzzle. OHBA is concerned that many areas ripe for intensification are 'under-zoned'. Under-zoning creates a series of problems and roadblocks for our industry to increase densities in urban growth centres and along intensification corridors. In moving forward to implement *Places to Grow* the province must address this issue and ensure that municipalities comply.

The process builders are subject to when rezoning to increase densities is both costly and time consuming. The province should strive to eliminate the many obstacles that discourage infill development. In some cases builders avoid the lengthy process and construct lower density housing since it is the path of least resistance. Smaller companies that may be better suited to take on complicated infill developments do not have the resources to fight local councilors and active ratepayers to push through infill projects. Numerous potential infill opportunities are lost due to the many obstacles that builders face.



Due to under-zoning and local opposition to intensification many builder are faced with a choice to go to the OMB to fight for additional units while trying to keep costs in line or to capitulate for expediencies sake, which results in higher unit costs and decreased densities. The choice builders have when faced with local and political opposition in an attempt to increase densities as per the intent of the growth plan is to spend years and significant amounts of money at OMB hearings or to reduce densities and affordability. Zoning should be a tool to encourage the efficient use of land. Many of these difficulties would not be an issue if municipalities appropriately zoned lands located in areas targeted for intensification.

Municipalities often intentionally under-zone properties in an attempt to extract section 37 agreements and other commitments from builders in return for increased densities. OHBA holds a strong opinion that if a parcel of land is in an appropriate location for intensification then it should be properly zoned to accommodate increased densities. The time and cost allocated towards rezoning discourages intensification and significantly adds to the final cost of each unit in a residential project, thus discouraging the public from purchasing a home in higher density communities.

Under-zoning justifiably fuels NIMBYism. When municipalities under-zone a property, local residents are provided with a false impression of what type of development is appropriate for that given location. If a builder proposes a project that exceeds the zoning, the immediate reaction from the community is usually very negative. The community often views the proposal as being entirely inappropriate for the area and cites the municipal zoning by-law as the reason why the application is unsuitable. Our members can attest to the fact the one of the most common complaints against infill development at public meetings is that the proposal exceeds municipal zoning by-laws and the builder should only construct what the zoning permits. Our members believe that the hostile nature and strong opposition of many local residents would be curbed if municipalities appropriately zoned areas targeted for intensification.

OHBA recommends that the province install a policy of minimum zoning for each of the Urban Growth Centres and Intensification Corridors. The minimum zoning by-laws should be customized for each Urban Growth Centre to ensure that the minimum density targets are appropriate for the location and that each Urban Growth Centre is positioned to reach intensification goals and objectives outlined by the province. Minimum zoning in each urban growth centre would expedite the planning process for builders, reduce cost, reduce the number of appeals to the OMB, encourage intensification and reduce NIMBYism. This is a crucial policy tool to support intensification. The province must ensure that municipalities comply with potential minimum zoning by-law standards.

Transportation

Transportation links are an essential component to intensification. Public transit continues to require cost effective government investments to enhance, expand and maintain the current system. With respect to the residential construction industry, builders constructing medium to high density projects do so primarily at locations well



served by transportation infrastructure. Transportation links are essential to new home buyers when making the decision as to where they want to live.

The province must outline a long-term transportation plan that is efficient, effective and financially feasible. Builders require certainty to make investment decisions and transportation links are a key component to future investment. Land-use and transportation planning must be coordinated for the growth plan to be effective. If a builder knows where and when new or enhanced transportation links will be developed they can make investment decisions that will ensure not only the success of their own projects, but also provide an immediate infusion of riders on new public transit corridors or drivers on enhanced road infrastructure.

Improved transportation links that are dependable and consistent are required for intensification. Public transit requires cost effective solutions that benefit the greatest number of riders. OHBA encourages the province and municipalities to consider busways and LRT rather than expensive heavy rail to solve regional transportation problems. Improved roads and freeways must not be excluded from the transportation plan. OHBA recommends a balance between roads and public transit in the transportation plan to ensure a high quality of life and the efficient movement of goods and services in Ontario.

Parking Requirements

Parking requirements set by municipalities are often extremely onerous and are the antithesis of smart growth. Current parking requirements discourage intensification and significantly increase the cost of medium and high density projects. Cost savings through a reduction of municipal parking requirements in residential projects would be passed onto consumers, increasing housing affordability in medium and high density developments.

Municipalities should relax parking requirements in urban growth centres and intensification corridors. It makes little sense for the province to be encouraging public transportation while municipalities force builders to construct far more parking spaces than are necessary. In fact, the provision of additional parking spaces encourages new residents to use private automobiles as their primary method of transportation. OHBA recommends that the province implement policies that support public transit by reducing municipal parking requirements in urban growth centres and intensification corridors.

OHBA members constructing medium and high density projects wish to bring to the province's attention that many of the parking spaces they are required to build remain empty. Builders cannot even sell or rent all the spaces they build, as parking requirements often exceed consumer demand. The high capital cost of constructing underground parking significantly increases unit prices and the ongoing operational costs of maintenance, lighting and security are a burden on the condo corporation.

In suburban locations where land is more readily available, builders will typically construct all or a portion of the required parking spaces as surface parking due to cost



constraints. Surface parking contributes to urban sprawl and is an inefficient use of land. Furthermore, surface parking contributes to the heat island effect, thereby having a negative impact on the local environment.

In rental properties parking requirements are not just an intensification issue, but are also an affordability issue since vacant parking spots are recouped in the base rent of all tenants in a particular project. Parking requirements that exceed consumer demand have a negative impact on housing affordability for both condo dwellers and for tenants in rental properties.

Parking requirements exceeding consumer demand have resulted in a costly surplus of vacant parking spaces in various developments across the Greater Golden Horseshoe. OHBA recommends the government investigate the feasibility of sharing parking facilities between neighbouring properties. There are opportunities available to make better use of existing parking infrastructure and to reduce future parking infrastructure requirements. OHBA further recommends that the province reduce municipal parking requirements to increase the affordability of medium and high density housing located in urban growth centres and intensification corridors.

Parkland Dedication

Green space and public parkland are important ingredients to healthy and vibrant communities. As required by the Planning Act any development must provide 5% of the land for parkland dedication at the time of development, or up to 1 ha per 300 dwelling units. If the development does not have a park site, the developer is required to pay cash-in-lieu for the value of the land.

Higher density projects in established areas must pay cash-in-lieu of parkland dedication despite the fact that more established areas in city centers are often already well serviced by parkland. The high parkland dedication fees discourage high density projects and therefore run counter to provincial intensification objectives.

The cash-in-lieu of parkland fees collected by municipalities significantly adds to the cost of medium and high density projects without drastically improving or adding park facilities within the area of the new development. The increased cost to builders is passed onto new home buyers which therefore decreases the affordability of housing within urban growth centres and intensification corridors. OHBA recommends the province reduce cash-in-lieu of parkland fees in urban growth centres and intensification corridors to promote intensification.

Medium and high density condominium projects often include amenity areas to be used by residents of the building. Many amenity spaces in condos are very similar in function to public parkland. Examples of typical amenities in an average middle class condominium include: roof top gardens, landscaped sitting areas, playgrounds and barbeque facilities which significantly reduces the requirements of public off-site facilities for these residents. Municipalities benefit as they do not have to provide initial



capital costs or the ongoing maintenance for amenity space located in condominiums. OHBA recommends that condominium plans that provide amenity space receive a credit towards the dedication of parkland or cash-in-lieu of parkland. Cost savings from reductions of cash-in lieu of parkland would be passed onto consumers therefore encouraging intensification through increased housing affordability.

Home builders should receive a credit towards parkland dedication for lands ceded to Conservation Authorities for public purposes. Local residents often use natural areas within Conservation Authority protected lands for recreational purposes without detracting significantly from its environmental purpose. OHBA recommends that the *Planning Act* include a provision to allow a credit towards parkland dedication for 'passive parks' in lands ceded to Conservation Authorities.

In areas outside of urban growth centres and intensification corridors the province should encourage pedestrian and bicycle connections through policy changes to parkland dedication policy. The 5% of land for park dedication could, as an option to builders, be split with 4% of lands allocated to parkland and 1% allocated towards trails. Most municipalities currently only accept parkland dedication as flat table land in a park block. If communities are to be more walkable and connected, then trails should be accepted as part of parkland dedication. An increase in trail connections would encourage alternative transportation methods and healthy living. OHBA recommends that the *Planning Act* be revised to contain trails, including trails within Conservation Authority ceded lands within the definition of Parkland Dedication.

Development Charges

OHBA is opposed to the existing and potentially expanded Development Charges Act because it unfairly burdens new home buyers with the costs of services which should be paid by the entire community. New home buyers are not the only people who add to the need for increased services, infrastructure and amenities. As empty nesters move out of large family homes they will be replaced by younger families that place additional pressures on municipal services. The Act is inadequate because of the cyclical nature of the new home building industry – fewer starts means fewer lot levies. Therefore OHBA encourages alternatives to development charges such as Infrastructure Renewal Bonds. We are not opposed to paying our fair share, but the services must be tied directly to new development. Municipalities must be accountable and transparent with respect to development charges.

OHBA is concerned that municipalities are increasingly viewing development charges as a general revenue source, rather than the intended mechanism to cover costs directly related to new development. However, with respect to encouraging intensification there is an opportunity to reduce or grant development charges exemptions.

For infill development, most of the required infrastructure and municipal services are already in place. Therefore new residential development does not place a significant additional burden on existing municipal infrastructure. Furthermore many middle class



medium and high density developments contain amenity spaces such as indoor pools, basketball courts, exercise facilities and mini theatres which significantly reduce public facility requirements. New home purchasers are paying for some of these facilities twice through development charges. Municipalities therefore have an opportunity to grant reductions or exemptions for development charges in urban growth centres or intensification corridors without compromising municipal services.

Any reduction or the elimination of development charges in targeted areas for intensification would be passed onto new home buyers. Therefore housing affordability would increase and new residential development in targeted locations would be a more attractive option for potential new home buyers.

Development charges may be used as a tool to promote intensification; however that will require a fiscal commitment from the province, as municipalities will be reluctant to give up a source of revenue from new home buyers that they have become accustomed to. With respect to area-specific exclusions, OHBA cautions the province that it would not be legitimate for the rate to be passed onto all new homes outside of targeted zones. If certain areas or classifications of development are exempt from, or experience a reduction in development charges, the lost revenue must be covered by the municipality or province and not be subsidized by greenfield development. This potential development charge mechanism should be a bonus applied to consumers buying infill and not a penalty attached to buying Greenfield development.

OHBA recommends the province investigate development charge exemptions and/or reductions in urban growth centres and intensification corridors. OHBA further recommends that the province ensure that new home buyers outside intensification zones be protected from subsidizing intensification through increased development charges.

Ontario Municipal Board

The residential construction industry strongly believes that the role of the OMB must be strengthened as an essential part of the implementation process that the provincial government will require to reshape the future of the Greater Golden Horseshoe as envisaged in both the Greenbelt legislation and the *Places to Grow* growth plan. Without a strong and independent OMB the provincial policies and objectives for the Greater Golden Horseshoe will be virtually impossible to meet. It is our belief and recent history provides clear evidence, that if land-use planning approvals were left solely to local politicians without a route of appeal to the OMB, NIMBYism would derail intensification and infill efforts. Ratepayer groups have a significant influence on local councilors who often make decisions based on the short-term local political climate rather than on the medium and long-term planning objectives or on the merits of the application itself. The right to appeal a municipal council decision to the OMB is an important counterbalance to the vagaries, and oftentimes political whims of local councils. Without recourse to the OMB, expert witnesses in the communities may be excluded in the interests of a narrowed political vision.



A strong OMB is a necessary ingredient to ensure the land-use objectives of the McGuinty government for the province of Ontario can be met. Given that aggressive intensification targets are central to the *Places to Grow* Plan, diminished powers for the OMB would undermine the ability of the province to meet its own 10 year intensification objectives. Without a strong and independent OMB the self serving interests of a few influential voices will ruin efforts to promote intensification, affordable housing and special needs housing. The province should support an improved and updated OMB to prevent this type of derailment of the land-use planning process. Land-use decisions should primarily be directed from municipal planning departments adhering to provincial and municipal land-use policies and objectives.

OHBA recommends that the current role of the OMB be retained as an impartial adjudicative body for Land Use Planning decisions to be tested on the basis of the Planning Act, Provincial Policy Statements and *Places to Grow* as well as other relevant provincial and municipal policies.

Combating NIMBYism

The Ontario Home Builders' Association believes that NIMBYism is the most significant hurdle for the province and the residential construction industry to overcome with respect to infill and intensification. NIMBYism unfortunately has the potential to derail intensification efforts and if nothing is done to curb NIMBYism, *Places to Grow* will quite simply be adding 'fuel to the fire'.

OHBA believes that NIMBYism is stimulated by misinformation; a lack of understanding of the merits of intensification and reinvestment into existing communities; mistrust of developers and planners; and a general anti-development attitude generated by a fear of change. It is clear that some individuals do not want anything to change or anyone new to move into their community. This is an incredibly self-serving attitude that is not in the best interest of the greater community or the province-at-large.

Ratepayer groups that apply significant pressure on municipal officials are often driven by the NIMBY attitudes of a few vocal and forceful residents. These NIMBY attitudes are the driving force of many ratepayer groups; however these attitudes are often hardly a true reflection of the general consensus of a community. Therefore the opposition to many infill projects by ratepayer groups is not usually a true democratic representation of most communities. Unfortunately these few vocal and forceful residents drive the current planning process.

OHBA recognizes that some community consultation is an important component of the planning process. However, NIMBY attitudes and those individuals who seem to scream the loudest are the voices that are heard by local politicians and city planners. This small minority of people who fight to resist change, no matter what form it comes in, have hijacked the planning process for development occurring within existing and established communities. The province must take steps to reduce the role that NIMBYism has in the



planning process and enhance the role of comprehensive, well-conceived, forward-thinking plans (i.e. *Places to Grow*).

Combating NIMBYism will not be an easy task. Builders and developers are empathetic to the concerns of local residents and are increasingly being pro-active by engaging in discussions with communities at the earliest stages of a proposal. However, fruitful discussions are difficult when the two sides are so diametrically opposed.

OHBA recommends the province use a two-pronged approach to curb the negative impacts of NIMBYism. The first approach is through regulatory and policy changes that could assist to diminish NIMBYism without compromising meaningful public consultation. The second approach is for both the province and the residential construction industry to work together to educate the public on the merits of intensification.

The public policy approach to combat NIMBYism includes a number of initiatives. The province must retain and improve the Ontario Municipal Board (OMB). The province must also improve the planning regulatory framework within intensification corridors and urban growth centres to ensure builders have the ability to move smoothly through the planning process. This requires a set of regulatory parameters to streamline the process and support intensification efforts.

OHBA believes many of the issues and concerns raised by local residents could be dealt with under the Official Plan and through properly zoning lands targeted for intensification. In the current system, the majority of discussions with the community occur towards the end of the process as a result of under-zoning when a medium or high density project is proposed. Local concerns with respect to density should be discussed at the beginning of the process during Official Plan reviews. Local politicians and residents would have the opportunity to voice any concerns at this earlier stage of the planning process. Similar to builders, residents are unhappy about rules changing part way through the game. Just as builders require certainty, so do community residents. Ratepayers should be afforded the opportunity to speak on any zoning issue whenever the Official Plan is being reviewed every 5 years. Once lands are appropriately zoned during the OP review, OHBA believes the level of tension and aggressiveness displayed by ratepayer groups would be diminished. OHBA recommends that public consultation and participation in the planning process should primarily occur at an earlier stage of the process during Official Plan reviews.

OHBA further recommends the province remove the ability for opponents to appeal a proposal based on density in urban growth centres if the minimum density target has been reached. Once the Official Plan is approved and the zoning is properly adjusted, builders should be afforded an expedited approvals process where NIMBYism is not such a strong force. The government must take responsibility and not just use its authority to say "intensification will occur", there must be the capability to make it happen.



The discussion and debate on appropriate land uses should occur during Official Plan reviews. If the government strongly believes in *Places to Grow* and the merits of intensification, discussion and debate must occur earlier in the planning process rather than on a project by project basis. Otherwise, the vast majority of infill and intensification projects will each individually result in numerous politically difficult decisions that may compromise the ability for the province and municipalities to achieve the objectives of *Places to Grow*.

The province needs to demonstrate leadership and have the political will to ensure intensification is possible in the face of local opposition. Unfortunately NIMBYism will always exist, no matter how strong a case the province, builders and planners make for a given project. If the province is serious with respect to achieving the intensification objectives outlined in the *Places to Grow* draft plan, then the negative, anti-intensification impacts that NIMBYism and anti-development ratepayer groups have on the planning process must be reduced. Land-use decisions should primarily be directed from municipal planning departments adhering to provincial and municipal land-use policies and objectives. OHBA therefore recommends that the province plan for well-managed growth and shift the extensive citizen participation to earlier stages of the land-use planning process.

Public Land Takings

The goal to use land more effectively and efficiently should not rest entirely with the private sector. All levels of government must demonstrate leadership and use public land in a more efficient manner. The province has set ambitious intensification targets for our industry. We are simply asking that the government do the same with respect to the efficient utilization of public land. Reducing public land takings to support intensification would demonstrate a public commitment to *Places to Grow*. Intensification objectives should be met through a partnership between the public and private sector.

Public land takings account for a very significant amount of inefficiently used space throughout the Greater Golden Horseshoe. New development is subject to a number of different public land requirements that runs counter to intensification objectives. If the government imposes ambitious intensification targets for the residential construction industry, then lands used by the government should also be subject to intensification targets. OHBA recommends the government demonstrate their commitment to intensification by setting achievable targets to reduce public land takings.

There are a variety of opportunities for the provincial and municipal governments to more effectively and efficiently use land set aside for public purposes. The province should set targets to reduce public land takings for provincial land uses, municipal land uses and for Conservation Authorities. The government should also examine the potential to share public facilities between different uses. Not only would shared uses and functions reduce land requirements for both the facilities themselves, but shared uses would also reduce parking and support transportation objectives by centralizing a variety



of uses and functions in one location. Public facilities should encompass a variety of public uses.

OHBA recommends that the government examine potential reductions to road allowances, utility corridors, and to lands used for buffers. OHBA further recommends the government review all public land requirements to seek out efficiencies that would encourage intensification. Subsequent to a review of public land takings, the government should set intensification targets designed to reduce land requirements for public purposes. This government commitment to set maximum public land requirement thresholds would demonstrate to stakeholders and the public a partnership towards achieving intensification and *Place to Grow*.

Conservation Authorities

OHBA is concerned that the objectives of the Ministry of Natural Resources runs counter to the objectives of the Ministry of Municipal Affairs and Housing and the Ministry of Public Infrastructure Renewal. The *Places to Grow* plan for the Greater Golden Horseshoe by the Ministries of Public Infrastructure Renewal and Municipal Affairs and Housing is designed to support intensified growth patterns to accommodate the millions of additional residents and jobs anticipated over the next few decades. Conservation Authorities mandates are to protect as much land as possible from development. The provincial objectives of *Places to Grow* are for balanced and intensified growth, while Conservation Authorities objectives support no growth.

If the province supports *Places to Grow*, then the objectives of Conservation Authorities must respect the growth plan. OHBA is concerned that there is currently a case of 'silo thinking' between the Ministry of Natural Resources versus the Ministry of Public Infrastructure Renewal and Ministry of Municipal Affairs and Housing. MNR and Conservation Authorities must respect the growth plan with a mandate for balanced growth, they should not only act to halt and prevent development. OHBA members respect the need to protect environmentally sensitive lands; however our members are concerned that Conservation Authorities are being unreasonable with respect to the amount of public lands they require from developers. OHBA is concerned that 'buffer' regions between development and environmentally sensitive lands are growing in size and scope. This runs counter to stated provincial objectives for intensive and efficient uses of land. If lands are suitable for development, Conservation Authorities should not have the power to halt growth.

Conservation Authorities need to be made more accountable to the public. Greater accountability would ensure Conservation Authorities look at the big picture and support provincial land use objectives, not just conservation. Conservation Authorities board members should be elected at large by the public. Electing board members would ensure Conservation Authorities operate in an open and transparent manner with the objective to enhance the quality of life for Ontarians.



OHBA recommends that the Ministry of Natural Resources and Conservation Authorities have a mandate to protect the environment and to support balanced growth. OHBA further recommends Conservation Authorities be more accountable to the public through the election of Board Members. Conservation Authorities should be subject to provincial land use objectives and not just conservation.

Brownfields

The province has made progress towards encouraging brownfield redevelopment through recent brownfields legislation. OHBA supports the redevelopment of brownfield sites to revitalize derelict areas and to use land in a more efficient manner. OHBA recommends that the province continue to support brownfield redevelopment through incentives to builders and developers and through regulatory reforms.

Liability continues to be a serious concern for builders with respect to brownfield redevelopment. The province should change legislation for brownfield properties so that the polluter and not the subsequent land owner, is vulnerable to lawsuits from occupants or surrounding land owners. Developers often avoid brownfield sites because they do not want to take on the liability.

OHBA is concerned that there is not a form of title clearance upon receipt of the appropriate clearance reports on sites that have 'warning clauses'. This can delay financing and the builder's ability to move forward with the development. In some situations builders must cancel the redevelopment of the brownfield site despite having invested significant funds into the cleanup and rehabilitation of the site.

OHBA is concerned that despite the provision for the government to sign off on rehabilitated lands, the Ministry of Environment is simply accepting reports and not relieving the owner of responsibility. These provisions were put in place to encourage brownfield redevelopment, yet the government is not following through to relieve land owners of potential liability.

Brownfield liability remains a serious issue which the government must address. Brownfields are a critical component to intensification and *Places to Grow*. OHBA recommends the government continue to streamline brownfield redevelopment processes to encourage redevelopment.

Secondary Suites

The province should consider secondary suites as a method to encourage intensification. Secondary suites are a form of affordable housing for both the young and elderly. Secondary suites also present an opportunity to reduce the strain on the health care system when aging parents can move in with their children to provide them with security, care and privacy.



Intensification of homes through rehabilitation and adaptive reuse of existing housing stock is a significant opportunity that should not be wasted. Builders, renovators and home owners should have the ability to construct basement apartments and garden suites. Secondary suites offer a valuable avenue for the province to reach intensification goals while increasing the stock of affordable and rental housing. OHBA recommends the province allow and encourage secondary suites in the Greater Golden Horseshoe and across Ontario.

Public Education and Support for the Growth Plan

The generally negative attitudes towards intensification, especially when infill projects are proposed near existing residents, creates significant difficulties for our industry to provide pedestrian and transit supportive development. Builders must be able to enter into a development agreement with the confidence that they will be able to proceed without suffering potential financial loss or a loss of reputation due to negative exposure if faced with a battle against the community. Our industry is too often faced with NIMBYism (Not In My Back Yard) or BANANA's (Build Absolutely Nothing Anywhere Near Anything). Unfortunately the negative attitudes towards intensification compromise our industry's ability to effectively plan for and build within the existing urban fabric.

Beyond fiscal and regulatory tools the residential construction industry requires the support of the provincial government over the long term to fundamentally change public attitudes towards intensification. A public education effort must be made by all stakeholders in an attempt to reduce NIMBYism and the undeserved negative image of builders. Without a public education campaign *Places to Grow* will inevitably fuel NIMBYism and further tarnish our industry's reputation as it attempts to meet provincial intensification objectives amid aggrieved local opposition. This will be a long process, however if *Places to Grow* is to succeed our industry must have increased public support for intensification where appropriate.

OHBA is concerned that the general public does not understand how important growth is to the stability and ultimately the prosperity of the Greater Golden Horseshoe. Having to manage growth is a 'good' problem for the region to be faced with compared to other jurisdictions suffering from stagnation. Ontario needs long-term sustained growth to maintain and enhance our standard of living. Ontario home builders do not drive the market and create growth, they respond our expanding economy and consumer demand. The province must not only encourage economic expansion and growth, but also promote the necessity of this growth to the citizens of Ontario.

For a growing Ontario to remain prosperous in the future, we will have to optimize our land resources. The government must 'sell' the Places to Grow plan and intensification to the public by promoting the need for continued growth. Ontarians need to understand that well managed growth is essential to the health and well being of the Greater Golden Horseshoe.



5. Conclusion

OHBA is committed to working with the province in creating the right balance and to ensure that Ontario is prosperous and healthy. Our members contribute 3.3 person years of employment per housing starts and with 85,114 housing starts in Ontario in 2004; they provided employment for approximately 281,000 persons. New housing and renovation activity upgrading existing housing stock contributed approximately \$33 billion to the provincial economy in 2004. Tools to support intensification will ensure a strong future for the residential construction industry and the success of *Places to Grow*.

We are committed in our resolve to ensure that Ontario communities prosper and grow and are prepared to work with competing factions within the stakeholder groups to arrive at workable solutions that will enhance the quality of life for all Ontarians.

Thank you for the opportunity to present our views. We would be pleased to meet with you to discuss our recommendations in detail.