



Ontario
Home Builders'
Association

November 19, 2020

Members of the Standing Committee on Social Policy
99 Wellesley Street West
Room 1405, Whitney Block
Toronto, ON M7A 1A2

Re: Bill 222 - Ontario Rebuilding and Recovery Act, 2020
Schedule 1 - Building Transit Faster Act, 2020
Schedule 3- Transit-Oriented Communities Act, 2020

The Ontario Home Builders' Association (OHBA) is pleased to have the opportunity to provide our support for the *Ontario Building and Recovery Act, 2020* along with some specific comments related to Schedule 1 (*Building Transit Faster Act, 2020*) and Schedule 3 (*Transit-Oriented Communities Act, 2020*). The proposed legislative amendments through Schedules 1 and 3 directly responds to OHBA's calls over the years for the provincial government to streamline the transportation infrastructure approvals process to get shovels in the ground as soon as possible for priority infrastructure projects. OHBA strongly supports provincial efforts to expedite the delivery of transit projects of provincial significance by removing barriers and streamlining processes that may result in delays to the timely completion of these transit projects, while enhancing coordination and engagement with private sector stakeholders. OHBA wrote to the Standing Committee on Social Policy in June of this year supporting Bill 171 and we are pleased to do so again today with respect to Bill 222. We note that both Bill 171 and Bill 222 are all the more important today to support post pandemic jobs and economic recovery efforts to make Ontario open for business, reduce red tape and directly support job creation through the construction of critical infrastructure.

The elephant in the room is that to accommodate forecasted population growth, Ontario needs to significantly increase the supply of new housing built each and every year in communities across the province. The government tells us there will be 2.6 million more [#homebelievers](#) living in Ontario by 2031, meaning we need to build 1 million more homes across Ontario to welcome these [#homebelievers](#). OHBA is generally supportive of the provisions in Schedules 1 and 3 of the *Ontario Rebuilding and Recovery Act, 2020* that will provide the opportunity to expand the provisions in the *Building Transit Faster Act* and the *Transit-Oriented Communities Act* to transit projects beyond the four priority projects already identified in Toronto to ensure new housing supply is built as part of new, mixed use transit-oriented communities across Ontario.

Priority Transit Projects

OHBA reiterates our support for the *Building Transit Faster Act* (Bill 171) that targets steps in the planning, design and construction process which have unnecessarily delayed major projects in the past. The legislation removes roadblocks and gives the Province the tools needed for Metrolinx and Infrastructure Ontario to deliver four specific priority transit projects within aggressive timeframes. OHBA has for years stated that the approvals process and timelines for BOTH new housing and major infrastructure projects is far too long, cumbersome, uncertain and expensive. The lengthy approvals process has directly contributed to BOTH our housing supply shortage and transit infrastructure deficiencies. In our June 2020 submission to the Standing Committee on Social Policy, OHBA stated that "while OHBA supports streamlining and red tape reduction initiatives within Bill 171, we strongly recommend that the province take a similar approach to other priority transit projects, other priority transportation projects and other critical core infrastructure projects that will improve mobility, support new housing supply and enhance our

quality of life in communities right across Ontario.” OHBA is pleased that the government has listened to our advice and through Bill 222 has proposed to expand these provisions more broadly to other priority transit projects.

Transit Oriented Communities

OHBA is a strong supporter of Transit-Oriented Communities. Our membership supports *A Place to Grow*, the updated 2019 Growth Plan and 2020 amendments along with policies including density targets in Urban Growth Centres and Major Transit Station Areas (MTSAs) that encourage and facilitate the construction of Transit Oriented Communities. We support coordinated infrastructure investment towards strategic projects based on clearly defined priorities including the creation of vibrant, mixed use, transit-oriented communities. OHBA is encouraged by the significant investments in transportation-related infrastructure that the provincial government has already committed to and that the proposed legislation will accelerate for other priority transit projects beyond the four already identified through Bill 171 (Ontario Line, Eglinton Crosstown West, Scarborough Subway and Yonge North).

OHBA and our network of 27 local home builders’ associations across Ontario are eager to work with the provincial government to ensure a planning framework along priority transit corridors that provides business certainty through pre-zoning on transit corridors. The province has made positive initial steps by incorporating new density targets for MTSAs in the updated Growth Plan, 2019, but the play needs to be completed by passing zoning by-laws to actually implement these density targets. In locations along the priority transit lines that would benefit from more intensification, it is entirely appropriate to pre-zone for high-density housing supply and mixed-use / employment. The province must enforce Section 26(9) of the *Planning Act* so that zoning bylaws are updated to truly conform to Official Plans where there is a clear provincial interest. In the case of any higher order transit corridors that receive provincial funding for construction, the provincial government should consider speeding up the planning process through Ministerial Zoning Orders in MTSAs and Urban Growth Centres in order to maximize the investment opportunity, promote job and economic recovery and support new Transit Oriented Communities.

As part of the provincial Transit Oriented Communities strategy, OHBA has additional recommendations:

-)] The provincial government should support all existing Urban Growth Centres and MTSAs. The province should not remove any existing Urban Growth Centres or make significant changes to remove large portions of existing Urban Growth Centres. If anything, the provincial government should consider expanding existing boundaries to better encompass and take advantage of transit investments.
-)] The provincial government should eliminate *minimum parking standards* on transit corridors and in MTSAs to support new housing supply and enhance housing affordability, while also setting a clear provincial ‘transit first’ directive rather than continuing to require an over-supply of automobile parking.

OHBA has consistently supported pre-zoning through joint reports with Pembina [Make Way for Mid-rise](#) and Ryerson CBI [Suburbs on Track](#) and more recently with OREA through a joint Ryerson CUR Report in March 2019 “[Transit Nodes in Ontario have untapped development potential.](#)” Pre-zoning would open up opportunities for tens of thousands of new units that municipalities should be required to pre-zone for transit-oriented communities. OHBA notes that many existing and planned transit station areas are failing to achieve transit supportive densities – in fact, many GO and TTC subway stations lack the density to even support frequent bus service.

The new housing and land development industry is a key partner to the province in creating transit-oriented communities that will support provincial transportation plans and investments over the long term. Furthermore, there are opportunities for partnerships and joint investments in mixed-use developments as part of new or upgraded transit stations. OHBA looks forward to seeing shovels in the ground for priority projects as part of the provincial and federal post pandemic stimulus economic jobs and recovery response.

Key Components of the Proposed Bill 222 (expanding Bill 171 provisions to other priority transit projects)

) **Relocating utilities more efficiently:**

-) OHBA is generally supportive of expediting utility relocations by allowing for Metrolinx to require a utility company to relocate its infrastructure within a prescribed timeframe. The legislation proposes to introduce a clear process for managing disputes.

) **Speeding up the Expropriation Process.**

-) While OHBA is supportive of expediting priority transit projects, we have some general concerns regarding access on private property and speeding up the expropriation process by eliminating the right to a hearing of necessity.
-) Currently, there are requirements for the government to demonstrate the need for land related to infrastructure projects. Under Ontario's *Expropriation Act*, an owner who has been served with a Notice of Application to expropriate land has the right to request a hearing into whether the proposed expropriation is "fair, sound and reasonably necessary."
-) Bill 171 amended sections of the *Expropriations Act* which confer the right to a hearing to not apply to an expropriation that is at least partly on transit corridor land and is for the purpose of one of the four priority transit projects. OHBA notes that it is not clear why this is necessary as the province already has the power under the *Expropriations Act* to dispense with a Hearing of Necessity where "it considers it necessary or expedient in the public interest to do so."
-) OHBA is supportive of removing this requirement specifically for priority projects, however we strongly believe that the provincial government must continue to treat property owners fairly and that compensation at fair market value is always provided to owners whose properties are required.
-) The bill also proposes to authorize the Minister to bypass the requirement to expropriate in certain circumstances by authorizing the Minister to remove obstructions from privately owned land and to conduct a "preview inspection" if the land is located at least partly on a transit corridor.
-) The bill sets out notice requirements for proposed obstruction removal, although no notice is required before the Ministry enters property for the purpose of inspection of a danger to the project. OHBA recommends that notice should be provided prior to an inspection.
-) Under the *Expropriations Act*, the reasonable legal, appraisal and other consulting costs of an owner who has been expropriated shall be reimbursed by an expropriating authority provided that a certain threshold of compensation is awarded. However, under Bill 171, owners who are the subject of obstruction or danger inspection and elimination orders, or preview inspections, have no such automatic right of recovery of costs. OHBA recommends the same rights as under the *Expropriations Act* be afforded to property owners along priority transit corridors.
-) OHBA is not opposed to streamlining the expropriation process on priority projects lands, but due process must still be required along with fair market value compensation.

) **Corridor Control:**

-) OHBA has concerns with respect to the proposed corridor permit regime and is currently engaged with MTO on the specific requirements for a new corridor permit.
-) We are not necessarily opposed to the concept of permits to improve communication and alignment of construction processes; however, the proposed corridor permit that would be required to construct or change any building, structure, road, underground utility, as well as to perform any dewatering or excavation near a corridor could result in additional red tape and delays for private sector investments.
-) With the exception of utility infrastructure, Bill 171 requires permit from the Minister to build, alter or place a building, other structure or road, or conduct excavation or dewatering on or under transit corridor land or land within 30 metres of transit corridor land. Bill 222 takes these provisions from Bill

171. OHBA expressed concerns regarding Bill 171 that there is too wide an allowance on either side of the corridor which will encompass significant amounts of land in the development or planning stage.

-) For existing approved developments that are identified as potential conflicts, Bill 171 provided six months of negotiation before a permit decision can be imposed. OHBA is unclear as to what the process entails and what potential delays or costs would be imposed on new housing supply. Furthermore, our members are unclear as to what “manage the timing of construction activities to prioritize the subway projects,” could mean in terms of imposing new requirements or costs onto private sector projects.
-) OHBA is concerned that the requirement for a permit may add yet another layer of permitting above and beyond development approvals already required. Additionally, the authority of the Minister to cancel the permit at any time at their discretion adds a new level of uncertainty to the development process and may affect the timely approval of high-density transit supportive developments.
-) While we support greater ability to coordinate activities in and around the subway corridors and stations, the proposed corridor permits should not add costs or time or serve to delay projects in the locations that the provincial government is encouraging new Transit Oriented Communities.

Conclusion

The new housing and land development industry is a key partner to the province in creating transit-oriented communities that will support provincial transportation plans and investments over the long term, while also providing immediate stimulus in the post pandemic recovery. Furthermore, there are opportunities for partnerships and joint investments in mixed-use developments as part of new or upgraded transit stations. OHBA and BILD members look forward to seeing shovels in the ground for priority projects as soon as possible.

Thank you again for the opportunity to be consulted in this process. We trust you find our comments above helpful and welcome the opportunity to provide the Ministry of Transportation and MPPs on the Standing Committee for Social Policy our recommendations. Again, we believe addressing the concerns identified herein and implementing the recommendations that have been put forward by OHBA will significantly help advance the priority transit projects and assist provincial efforts to increase housing supply and choice and recover the economy from the detrimental effects of COVID-19.

Sincerely,



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Copy:

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