

RESOLUTION # 1 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Ministry of Economic Development, Employment and Infrastructure

Submitted by: OHBA Land Development Committee

Date: September 22, 2014

Subject: Greenbelt

Whereas: Bill 27, *Greenbelt Protection Act, 2004* became law on June 24, 2004. The legislation, in conjunction with a zoning order issued by the Minister of Municipal Affairs and Housing, created a study area and placed a moratorium on some land uses until a specific plan was established. Bill 135, *Greenbelt Act, 2005* became law on Feb 28, 2005. It provided permanent protection for the Greenbelt area as established in the *Greenbelt Plan*; and

Whereas: Approved by the Lieutenant Governor in Council, Order-in-Council No. 208/2005. The *Greenbelt Plan* was established under Section 3 of the *Greenbelt Act, 2005*, to take effect, retroactively, on Dec 16, 2004; and

Whereas: Section 10 of the *Greenbelt Act, 2005* requires that in conjunction with the reviews carried on under section 17 of the *Niagara Escarpment Planning and Development Act* and under Section 3 of the *Oak Ridges Moraine Conservation Act*, a review of the *Greenbelt Plan* is carried out every 10 years after the date the *Greenbelt Plan* comes into force to determine whether it should be revised; and

Whereas: Section 11, 12 and 13 of the *Greenbelt Act, 2005* contain policies for the consideration of proposing amendments to the *Greenbelt Plan* and for the appointment of a hearing officer to conduct a hearing with respect to the proposed amendment as long as it does not have the effect of reducing the total land area within the *Greenbelt Plan*; and

Whereas: In 2008 the Province consulted stakeholders, including OHBA, on the establishment of criteria ("Growing the Greenbelt") to be used by the province when considering requests from municipalities to expand the Greenbelt; and

Whereas: a 45-day consultation period on a *Proposed Amendment to the Greenbelt Plan* took place between Nov 20, 2012 and Jan 4, 2013. OHBA was generally supportive of *Amendment #1 to the Greenbelt Plan* that:

- added *provincially owned* lands of approximately 255 hectares (630 acres), which are part of the Glenorchy Conservation Area in the Town of Oakville, to the Protected Countryside area of the *Greenbelt Plan*;
- and added a new "Urban River Valley" designation to the *Greenbelt Plan* to facilitate adding *publicly owned lands* in urban river valleys currently outside the Greenbelt.

Therefore be it resolved that: OHBA will continue to support public evidence-based processes that are accountable and transparent and included both planning and science-based approaches for future Greenbelt expansion.

Therefore be it further resolved that: the Urban River Valley designation was designed to only be extended to publicly-owned lands and cannot be extended to cover privately-owned lands.

Therefore be it further be resolved that: where there is a public Official Plan process that meets the Growing the Greenbelt Criteria including the Growth Plan requirements, that is the appropriate process to grow the Greenbelt.

Therefore be it further resolved that: OHBA recommends that as part of the 10-year review of the Greenbelt, and as contemplated in the *Greenbelt Act*, that the Province consult the public and stakeholders on a set of criteria to review Greenbelt designations in the *Greenbelt Plan*. Furthermore, once criteria are established, a hearing officer should be appointed under subsection 12 (1) to conduct hearings with respect to proposed amendments to the *Greenbelt Plan*.

MOVED: J. Whyte

SECONDED: S. Upton

CARRIED

RESOLUTION # 2 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Ministry of Government and Consumer Services

Submitted by: OHBA-Tarion Liaison Committee

Date: July 2, 2014

Subject: Illegal Building

Whereas: All new homes built for sale in Ontario must be enrolled with the Tarion Warranty Corporation. Only owners who build their own homes are exempt from warranty coverage pursuant to the Ontario New Home Warranties Plan Act; and

Whereas: Under the Good Government Act, 2009 passed in December 2009, a change to O.Reg. 503/09 made it mandatory for municipalities to provide information about building permits and applications to Tarion; and

Whereas: Under the Ontario Budget 2014, the Province proposed to address the problem of illegal residential building, which may include legislative and regulatory changes; and

Whereas: In British Columbia, individuals wanting to be an owner-builder of a new home are required to obtain authorization from the HPO and are subject to restrictions to sell owner-built homes; and

Therefore be it resolved that: OHBA work with Tarion to design a model that is not onerous to existing Tarion registered vendor/builders and building officials; and

Therefore be it further resolved that: The provincial government amend the *Building Code Act* to permit Tarion to determine if an applicant is a registered vendor/builder or is legitimately an owner-builder.

MOVED: A. Churchill

SECONDED: J. Bazely

CARRIED

RESOLUTION # 3 (External)



Submitted to: Attorney General
Ministry of Economic Development, Employment and Infrastructure

Submitted by: OHBA Executive Committee

Date: September 22, 2014

Subject: Construction Lien Act

Whereas: OHBA supports the freedom for private enterprise to enter into contracts with each other pursuant to common law statutes and the present legislative framework; and

Whereas: OHBA supports contractors being paid in a timely fashion for quality work completed; and

Whereas: Several construction stakeholders supported a Private Member's Bill, *Bill 69, Prompt Payment Act, 2013* which would have created significant new obligations on all parties within the construction sector by imposing rigid contract payment terms, onerous work verification procedures, penalties and intrusive financial disclosure requirements; and

Whereas: OHBA was concerned that *Bill 69* introduced unprecedented disclosure requirements for owners, new administrative burdens on all construction parties, and potential delays for project completion and home occupancy; and

Whereas: OHBA's concerns with respect to *Bill 69* were shared by the public and private sector stakeholders that included: Association of Municipalities Ontario, the City of Mississauga, the City of Toronto, general contractors, various school boards, and public agencies; and

Whereas: OHBA opposed *Bill 69* and was a key stakeholder as part of the legislative process and provided written and oral deputations that highlighted our concerns; and

Whereas: the Ontario Liberal Government did not move forward with *Bill 69, Prompt Payment Act 2013*, in order to create a broad consultative process examining the *Construction Lien Act* which was announced in May 2014 and re-confirmed in the 2014 Ontario Liberal Party Platform.

Therefore be it resolved that: OHBA actively participate in the government-led consultation and advocate a position, through the consultative process, that any change to the *Construction Lien Act* respects present contractual relationships and the financial privacy of owners; and

Therefore be it further resolved that: OHBA advocate that any changes to the *Construction Lien Act* must **not** make it more difficult for projects to be completed in a timely fashion, increase costly litigation or increase administrative burden on contractors.

MOVED: S. Harris

SECONDED: R. Melik

CARRIED

RESOLUTION # 4 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Ministry of Economic Development, Employment and Infrastructure

Submitted by: OHBA Land Development Committee

Date: September 22, 2014

Subject: White Belt

Whereas: The Greater Golden Horseshoe (GGH) is one of the fastest growing areas in North America. This region is expected to grow from approximately 9.1 million people in 2011 to approximately 13.5 million by 2041; and

Whereas The *Growth Plan for the Greater Golden Horseshoe, 2006* is a regional growth management and economic development plan for the GGH. Introduced under the *Places to Grow Act*, the Plan was approved by the Lieutenant Governor in Council and enacted on June 16, 2006; and

Whereas: The *Greenbelt Act, 2005* became law on February 28, 2005. It provided protection for the Greenbelt area established in the *Greenbelt Plan* which took effect on December 16, 2004; and

Whereas: The *Greenbelt Plan* and *Growth Plan* work in tandem with the Greenbelt currently being buffered by a long-term strategic urban reserve, often referred to as the 'whitebelt'. The whitebelt is, essentially, the approximately 58,000 hectares of land between the current urban growth boundaries and the Greenbelt; and

Whereas: As urban areas grow in the future, new lands will be required to be designated for growth during municipal Official Plan reviews. The MOI's five-year review of the *Growth Plan* specifically states: "Because of the magnitude of growth that is forecast, it will be necessary to bring new lands into the urban envelope. The *Growth Plan* outlines a series of tests and criteria to ensure that expansions occur when necessary and where most appropriate, and in a way that ensures that infrastructure is in place and the natural environment is protected."

Whereas: The review of the *Growth Plan* also states: "With population and employment continuing to grow into the future, it is anticipated that the urban footprint of municipalities in the Greater Golden Horseshoe will continue to expand. The *Growth Plan* ensures, however, that any new land designated for future urban uses will be planned in a way that makes better use of infrastructure, is more compact and offers more opportunities to walk or take transit."

Whereas: The whitebelt is not simply intended to accommodate growth for the next round of municipal conformity to the *Growth Plan Schedule 3 2041* forecasts, but acts as a long-term urban reserve; and

Whereas: In 2011, the *Friends of the Greenbelt Foundation* released a report *Inside and Out* stating: "The whitebelt provides a buffer area between already urbanized areas or areas designated in Official Plans for development and the Greenbelt, where urban development is prohibited." And, "the supply of land in the whitebelt should suffice to accommodate development for several generations. Thus, in principle, there should be no pressure for urban expansion into the Greenbelt in the foreseeable future." And, "As the whitebelt can theoretically continue to absorb development across the inner-ring of the GGH, it is unlikely that there would be pressure to push the Greenbelt's inner boundary further away from Lake Ontario to accommodate development."

Therefore be it resolved that: The upcoming legislated 10-year review of the *Growth Plan* for the Greater Golden Horseshoe should officially designate and protect the whitebelt lands as a long-term urban reserve in which municipal expansions can only occur when the series of test and criteria, already outlined in the *Growth Plan*, have been met; and

Therefore be it further resolved that: That the Greenbelt designation not be expanded into the whitebelt except in limited circumstances where that land is publicly-owned or meets the Urban River Valley criteria (which can only be used if under public ownership);

MOVED: S. Upton

SECONDED: D. Murray

CARRIED

RESOLUTION # 6 (External)



Submitted to: Ministry of Municipal Affairs and Housing
Ontario Building Officials Association
Large Municipalities Chief Building Officials

Submitted by: OHBA Technical Committee

Date: September 22, 2014

Subject: Ontario Building Code – Six-Storey Wood-Frame Construction

Whereas: The *Ontario Building Code* (OBC) currently limits wood-frame construction to four storeys; and

Whereas: BILD commissioned the report, *Unlocking the Potential for Mid-Rise Buildings*, calling on the Ontario government to change the OBC to allow for six-storey wood-frame construction. The report presents strong planning and economic rationales for changing the existing Ontario Building Code to permit wood-frame buildings; and

Whereas: Changing the Ontario Building Code to allow wood-frame buildings to be constructed to a maximum of six storeys would increase the variety of living choices, realize cost savings for new home construction and new homebuyers, and would represent a major step in achieving planned intensification goals of the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe; and

Whereas: Mid-rise buildings located along the urban corridors of our cities are a vital component of the vision of the Provincial *Places to Grow* Growth Plan as well as the PPS and are found in virtually all regional and municipal Official Plans; and

Whereas: British Columbia made similar changes to the British Columbia Building Code in 2009 and it had an immediate positive impact on the local economy with over 100 projects and 2000 new housing/rental units being provided to date; and

Whereas: Expected benefits to amending the OBC include job creation, increased availability of housing and rental units, increased tax-base for municipalities and a minimized carbon footprint of building construction; and

Whereas: On March 20, 2014, MMAH posted a policy document on the Ontario Regulatory Registry regarding potential amendments to the Building Code to allow mid-rise wood-frame construction; and

Whereas: The 2014 Liberal Platform promoted wood construction, through changing the building code to allow six-storey wood-frame buildings to encourage the construction of mid-rise, mixed-use buildings; and

Therefore be it resolved that: The provincial government amend the *Ontario Building Code* in 2014 so that Ontario home builders can begin constructing six-storey wood-frame buildings on January 1, 2015.

MOVED: R. Luciani

SECONDED: B. Garrard

CARRIED

RESOLUTION # 7 (External)



Submitted to: Ministry of Transportation
Metrolinx

Submitted by: OHBA Land Development Committee

Date: September 22, 2014

Subject: Transportation Planning Policy Statement

Whereas: The provincial government has committed to investing \$130 billion into infrastructure over the next decade, including a \$15 billion fund focused on transit for the Greater Toronto and Hamilton Areas and a \$14 billion fund for transit and other transportation infrastructure across the rest of Ontario; and

Whereas: The new housing, commercial and land development industries are key partners to the province in creating transit-oriented, complete communities that will support transit systems over the long-term; and

Whereas: It is critical that the province better align transportation planning and land-use planning to maximize limited resources; and

Whereas: The provincial government is currently constructing the multi-billion-dollar “*first wave*” of Metrolinx “*Big Move*” projects, yet most municipalities have not updated and modernized BOTH their Official Plans and Zoning By-Laws to support as-of-right Transit Oriented Development along new/planned transit corridors, in new/planned Mobility Hubs and surrounding new/planned transit stations; and

Whereas: A “*next wave*” of Metrolinx “*Big Move*” projects as well as higher-order transit projects in Waterloo Region and the City of Ottawa provide an opportunity to better align transit planning and land-use planning through BOTH updated and modernized Official Plans and Zoning By-Laws to encourage as-of-right Transit Oriented Development; and

Whereas: Under Sec 31.1 of the Metrolinx Act, 2006, “The Minister may issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to transportation planning in the regional transportation area.” And that the Minister’s Transportation Planning Policy Statement (TPPS) must [Sec 31.1 (2) (c)] “ensure that the transportation planning policy statement is in alignment with the growth plans prepared and approved under the *Places to Grow Act, 2005* applicable in the regional transportation area.” And furthermore, [Sec 31.1 (4)] “A decision under the *Planning Act* or the *Condominium Act, 1998* made by a municipal council, local board, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, that applies in the regional transportation area shall be consistent with the designated policies set out in a transportation planning policy statement.”

Therefore be it resolved that: The Minister of Transportation commence consultations with stakeholders to implement a Transportation Planning Policy Statement (TPPS) that would apply to higher-order transit corridors across Ontario. The TPPS should be structured to require municipal Official Plans and Zoning By-Laws to be in conformity with the TPPS and allow appropriate as-of-right Transit Oriented Development on Transit Corridors and surrounding new/planned Transit Stations. The zoning by-laws that are brought into conformity with a TPPS should ensure that each transit project is positioned to strong ridership growth supported by Transit Oriented Development.

MOVED: A. Churchill

SECONDED: J. Hurd

CARRIED

RESOLUTION # 8 (External)



Submitted to: Office of the Premier
Submitted by: OHBA Executive Committee
Date: September 22, 2014
Subject: Respect for Rural Ontario and Small Business

Whereas: The Premier has stated that the government will represent all regions of Ontario;

Whereas: The Premier have demonstrated a commitment to representing all of Ontario by being the first Premier in history to carry out the duties of Premier while also serving as the Ministry of Agriculture, Food and Rural Affairs; and

Whereas: OHBA represents over 4000 members from 31 local home building associations from rural, urban and northern Ontario with varied and diverse regulatory concerns and sensitivities; and

Whereas: There is a concern about regulatory policies from across Government being developed with an urban, Toronto-centric context.

Therefore Be It Resolved That: The Government of Ontario place additional emphasis when establishing new regulations and enforcing regulations on how they may affect rural Ontario, especially with respect to small business and non-urban areas.

MOVED: J. Whyte SECONDED: J. Adam

CARRIED

RESOLUTION # 9 (External)



Submitted to: Ministry of the Environment and Climate Change
Ministry of Municipal Affairs and Housing
Ontario Building Officials Association

Submitted by: OHBA Land Development Committee

Date: September 22, 2014

Subject: Exemption of Record of Site Condition for Temporary Roads

Whereas: The Environmental Protection Act and Regulation 153/04 require that a Record of Site Condition (RSC) is required for a change in use from a temporary road (a community use) to a residential building lot; and

Whereas: The change in use from a temporary road to a residential building lot occurs regularly in new subdivisions across Ontario. When a subdivision is not fully built, temporary roads are often installed for emergency/temporary vehicle access purposes. These temporary roads are typically located on future residential lots and are often paved with a granular base, sometimes with curbs, but not with municipal services. They remain in use for varying time periods dependent on a variety of timing factors such as phasing, site-servicing and sales; and

Whereas: The RSC is a requirement prior to municipal building permit issuance when the residential lot within a subdivision was utilized as a temporary road. The requirement for an RSC can cause significant delays and unnecessary expense with minimal risk for building permit issuance; and

Whereas: The temporary road asphalt and granular base are fully removed by the builder/developer prior the the foundation excavation and lot servicing commencing; and

Whereas: An RSC requirement can create confusion and misunderstanding for the new home owner, bank issuing the home mortgage and for issuance companies to understand the previous use of the property and whether the previous use is a cause for concern or a risk to the homeowner; and

Therefore Be It Resolved That: The Ministry of Environment and Climate Change provide an exemption to the Environmental Protection Act and Ontario Regulation 153/04 for temporary roads.

MOVED: S. Harris

SECONDED: G. Mancini

CARRIED

RESOLUTION #10 (External)



Submitted to: Ministry of Labour
Workplace Safety and Insurance Board

Submitted by: OHBA Health and Safety Committee

Date: September 22, 2014

Subject: WSIB Rate Group Modernization

Whereas: the WSIB Premium Rate for residential construction is more than twice as high as the Canadian average workplace safety compensation premium rate and 4.5 times higher than workplace insurance rates in Alberta; and

Whereas: WSIB Premiums in the home building and renovation sector are at such a high rate that they incent many consumers to purchase construction services with firms that operate in the underground economy. These contractors work for 'cash' deals and do not pay WSIB Premiums or other federal, provincial and municipal taxes and levies; and

Whereas: Ontario WSIB rate groups operate under an antiquated and outdated system to separate 'risk' categories for different industries into an unwieldy and confusing structure of 155 rate groups and over 800 classification units; and

Whereas: The WSIB has already consulted extensively on rate group reforms for over four years, beginning with the establishment of the *Harry Arthurs Panel* in September 2010 which issued a report, *Funding Fairness* in 2012 and a more focused stakeholder consultation throughout 2013, chaired by Douglas Stanley, which published *The Case For Change* report in early in 2014; and

Whereas the *Arthurs Report* concluded that the present system "rests on a foundation of anachronisms and ambiguities" and Stanley argued for the "consolidation of rate groups from the current 155 down to 20 or 25 groups"; and

Whereas: the majority of provinces have consolidated rate groups and have merged the home building rate group with the institutional, commercial and industrial rate group; and

Whereas: Ontario home builders pay twice as much in WSIB premiums compared to institutional, commercial, industrial rate groups despite the fact that the building process, trades, and building code often are often identical for both sectors; and

Whereas: the WSIB needs to show leadership and tackle the fairness issue that negatively impacts housing affordability, the underground economy, and business fairness in Ontario.

Therefore be it resolved that: WSIB expeditiously create a targeted plan on merging rate groups over the short term with clear timelines as per the recommendations by the Douglas Stanley's *The Case For Change* report.

MOVED: D. Murray SECONDED: D. VanMoorsel

CARRIED

RESOLUTION #11 (External)



Submitted to: Ministry of Environment and Climate Change
Ministry of Municipal Affairs and Housing

Submitted by: OHBA Land Development Committee

Date: September 22, 2014

Subject: Supporting Brownfield Redevelopment (O. Reg 153/04)

Whereas: The Provincial Policy Statement (2014) promotes the efficient utilization of existing municipal infrastructure and opportunities for intensification and redevelopment as a priority to manage and direct land-use to achieve efficient and resilient development and land-use patterns; and

Whereas: The Growth Plan for the Greater Golden Horseshoe, 2006 as amended requires redevelopment and intensification as a priority within the Urban Growth Centre and Built-up Area of municipalities; and

Whereas: Lands located within urban centres may have a legacy of former abandoned and underutilized industrial sites together with the residual effects of past land uses including soil and groundwater contamination; and

Whereas: Ontario Regulation 153/04 requires the completion of a Record of Site Condition prior to changes to a more stringent land-use (e.g., industrial or commercial to residential or parkland); and

Whereas: OHBA is concerned that the Ministry of the Environment and Climate Change has implemented an interpretation of specific sections of Ontario Regulation 153/04, Records of Site Condition, which is impeding Brownfield development;

Therefore be it resolved that: OHBA recommends that to better support the public policy of encouraging Brownfield redevelopment that there be improvements made to Ontario Regulation 153/04 with respect to Records of Site Condition to enhance the ability of Qualified Persons to interpret Ontario Regulation 153/04 to support Brownfield development; and

Therefore be it further resolved that: OHBA recommends that the Ministry of the Environment and Climate Change undertake a review Ontario Regulation 153/04, Records of Site Condition specific to conducting the site investigation and delineation, and work with OHBA throughout the review process.

MOVED: D. Stewart

SECONDED: W. Hissa

CARRIED