

## RESOLUTION # 1 (External)



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

Submitted by: OHBA Board of Directors

Date: September 23, 2013

Subject: Metrolinx Investment Strategy

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*Whereas:* Metrolinx launched its \$50 billion, 25-year Regional Transportation Plan *The Big Move* for the Greater Toronto and Hamilton Areas in 2008 ; and

*Whereas:* While a first wave of projects, including GO Transit expansion and the Eglinton LRT are currently under construction, the second wave of projects will require new revenue tools to fund approximately \$2 billion in annual transit infrastructure investment; and

*Whereas:* In April 2013, OHBA provided Metrolinx and the Provincial Government with detailed recommendations on the *Metrolinx Investment Strategy*. Those recommendations included strong opposition to revenue tools that specifically target the new housing, development and professional renovation industry and our consumers. Furthermore, OHBA provided recommendations for planning tools that would support intensification around transit stations and transit corridors; and

*Whereas:* In May 2013, Metrolinx released an *Investment Strategy* that recommends:

- 1 per cent increase to the HST;
- 5 cents per litre Regional Fuel Tax;
- Business Parking Levy;
- Amendments to the Development Charges Act.

*Whereas:* In July, 2013, OHBA, BILD and HHHBA provided Metrolinx with a submission that strongly opposes 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 and/or onto the costs of new employment centres.

*Therefore be it resolved that:* OHBA is opposed to proposed revenue tools that will erode the affordability of new housing, mixed-use communities and new employment centres across the Greater Toronto and Hamilton Areas.

MOVED: John Meinen

SECONDED: Michael Pozzebon

CARRIED

## RESOLUTION # 2 (External)



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

Submitted by: OHBA Board of Directors

Date: September 23, 2013

Subject: Development Charges Act – Historic Level of Services

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*Whereas:* The province has increased fiscal support for the expansion and maintenance of core infrastructure and made significant investments in new and expansion of existing municipal transit systems; and

*Whereas:* The *Development Charges Act*, as it relates to transit funding, should not be amended to include an increase that would result in the level of service exceeding the average level of that service provided in the municipality over the 10-year period immediately preceding the preparation of the background study. While OHBA recognizes significant new investments in transit expansion are necessary, it is not the role of the new home buyers to cover the transit infrastructure deficit that was created by decades of underinvestment by all levels of government; and

*Whereas:* Funding municipal transit expansion contributions through development charges without allocating a significant share of the cost burden across the broader tax base is an inequitable financing solution that requires a small portion of the population (new home buyers) to fund infrastructure that has broad community and economic benefits; and

*Whereas:* The *Provincial Municipal Fiscal and Service Delivery Review* (PMFSDR) released in fall 2008 is an agreement between the Province of Ontario, AMO and the City of Toronto that uploads a number of services (Ontario Disability Support Program, Ontario Drug Benefit, Ontario Works Benefits and a portion of court security), therefore providing significant additional fiscal capacity for municipalities to invest in core infrastructure. In the year 2013 alone, the benefit to municipalities as a result of the provincial uploads will total almost \$1.4 billion. Together with the *Ontario Municipal Partnership Fund* (OMPF), the province is providing municipalities with a combined benefit of \$1.9 billion in 2013; and

*Whereas:* The provincial government increased the capacity of municipalities to invest in core infrastructure through sharing two cents per litre from gas tax revenues with municipalities for long-term, sustainable support for new transit equipment, fleet maintenance and expanded operations. A total of 90 Ontario transit systems, serving 127 communities, receive provincial gas tax funding totaling over \$300 million on an annual basis. The 2013 Ontario Budget notes this investment has yielded \$2.2 billion for public transit since 2004; and

*Whereas:* The federal Gas Tax Fund (GTF), a key component of the *Building Canada* infrastructure plan, is helping to build Canada's communities by providing predictable and long-term funding in support of municipal infrastructure. From 2007-08 to 2013-14, municipalities will receive a total of \$11.8 billion in gas tax funding.

*Therefore be it resolved that:* the provincial government entrench affordability and fairness as a cornerstone of Ontario's planning system and infrastructure financing framework; and

*Therefore be it further resolved that:* with the PMFSDR uploads, the OMPF and gas tax allocations from the provincial and federal governments to provide core infrastructure funding, it would be inappropriate and inequitable to close the infrastructure deficit gap that benefits the entire community by increasing government imposed charges on new home buyers through an elimination of the 10-year service average provision from the *Development Charges Act*.

MOVED: Jonathan Whyte      SECONDED: Albert Schepers

CARRIED

### RESOLUTION # 3 (External)



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

Submitted by: OHBA Board of Directors

Date: September 23, 2013

Subject: Development Charges Act – “Voluntary” Charges

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*Whereas:* The Province of Ontario has increased fiscal support to municipalities for the expansion and maintenance of core infrastructure; and

*Whereas:* Development Charges (DCs) are a legitimate source of revenue for regions and municipalities when used to offset infrastructure-related costs directly resulting from new growth. The land development and home building industries of Ontario have always recognized this and have never objected to new home buyers paying their fair share of direct growth related costs; and

*Whereas:* DCs applied, within the scope of the *Development Charges Act (DCA)*, are excessive and are placing tremendous pressure on housing affordability and economic competitiveness. A 2013 report by the Altus Group found that since 2004, the municipalities studied in the report had increased DC's between 134% and 357%. Furthermore, 23% of the average price of a new home was Government Imposed Charges (GICs), for which DCs made up the largest component; and

*Whereas:* Independent of any other national and global economic conditions, reduced housing affordability inevitably constrains local economic development, stifles investment, reduces job growth, and diminishes a municipality's ability to compete with jurisdictions not similarly afflicted ; and

*Whereas:* Residents are demanding higher levels of service and municipalities are finding creative ways to pay for them. Municipalities are not accepting that they are responsible for costs of services beyond the DCA; and

*Whereas:* Some municipalities refuse to borrow to fund infrastructure that also benefits existing residents and require “voluntary” payments from industry as well as regional allocation charges; and

*Whereas:* Some municipalities are leveraging new home buyers to pay more than what they are entitled to collect through the DCA. Industry often succumbs to these voluntary charges which are, in fact, mandatory to have their applications move forward through the planning process; and

*Whereas:* Voluntary charges in Ontario include fees outside the DCA exceeding service level caps and charges towards items such as town hall space, hospitals, computer equipment, parkland, an NHL sized arena, etc.

*Therefore be it resolved that:* The provincial government entrench affordability and fairness as a cornerstone of Ontario's planning system and infrastructure financing framework; and

*Therefore be it further resolved that:* The province eliminate the practice outside the current legislative framework to finance growth-related infrastructure that allows municipalities to levy charges and fees for infrastructure that benefits the entire community outside the scope of the *Development Charges Act*.

MOVED: Albert Schepers      SECONDED: Brian Garrard

CARRIED

## 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)

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*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

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*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 # 6 (External)



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

Submitted by: OHBA Board of Directors

Date: September 23, 2013

Subject: Planning Act – Sec 42(1) to (6) and sec 51.1(1) to (5) - Parkland Dedication Policies

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*Whereas:* The provincial government should be committed to ensuring that the provincial legislative, regulatory and policy environments continue to support intensification goals while developing healthy, affordable and livable communities; and

*Whereas:* Adequate parkland should be provided as Ontario's urban spaces continue to evolve. However, there is a fundamental unfairness in the way parkland contributions for high-density residential housing developments are currently calculated if the maximum rate is applied; and

*Whereas:* 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; and

*Whereas:* Immediate action is required by the provincial government to support the Provincial Policy Statement (PPS) and the Growth Plan while addressing the inequities of the existing legislation related to the maximum parkland cash-in-lieu formula for infill and intensification projects. The high parkland dedication fees discourage high-density projects and therefore run counter to provincial intensification objectives; and

*Whereas:* The cash-in-lieu of parkland fees collected by municipalities significantly adds to the cost of mid-to-high-density projects without drastically improving or adding park facilities within the area of the new development. The increased cost decreases the affordability of housing within urban growth centres and intensification corridors; and

*Whereas:* Higher density projects often include amenity areas to be used by residents of the building. Amenity spaces in condos are similar in function to public parkland and reduce the requirements of public off-site facilities. Municipalities benefit as they do not have to provide initial capital costs or the ongoing maintenance for amenity space located in condominiums; and

*Whereas:* At the extreme end of the scale, there are scenarios in Ontario where cash-in-lieu of parkland can be equal to or greater than the value of the land;

*Therefore be it resolved that:* That condominium plans that provide public amenity space receive a significant credit and/or full exemption towards the dedication of parkland or cash-in-lieu of parkland therefore encouraging intensification through improved housing affordability; and

*Therefore be it further resolved that:* The province amend sec 42(3) of the *Planning Act* to significantly reduce the maximum cash-in lieu of parkland ratio from 1 ha for every 300 dwelling units; and

*Therefore be it further resolved that:* The province require municipalities to provide alternative parkland dedication policies within Urban Growth Centres and along higher-order transit corridors.

MOVED: Michael Pozzebon      SECONDED: Jonathan Whyte

CARRIED



## RESOLUTION # 7 (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 23, 2013

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

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*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.

*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 the new homebuyers, and it represents 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; and

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

*Whereas:* Adopting changes to permit wood frame construction for four to six storey buildings would represent substantial construction cost savings over poured concrete structures, which would translate into a more affordable unit to the home buyer; and

*Whereas:* The number of fire incidents does not increase just because buildings have more combustible material, according to a complementary study commissioned by BILD and RESCON entitled, *Mid-rise Combustible Construction in Ontario – Building Code Issues*. The study found that data collected by the National Fire Incident Reporting System doesn't show that fire incidents are related to the type of construction, rather to the use and occupancy of the building; and

*Whereas:* The National Fire Code and regulations in Ontario's *Occupational Health and Safety Act* contain many provisions for construction projects that address potential fire hazards and provide solutions to reduce risks.

*Therefore be it resolved that:* The provincial government amend the *Ontario Building Code* in 2014 to permit six-storey wood frame construction.

MOVED: Jonathan Whyte      SECONDED: Doug Tarry

CARRIED

## DRAFT RESOLUTION # 8 (External)



Submitted to: Ministry of Labour  
Workplace Safety and Insurance Board

Submitted by: OHBA Board of Directors

Date: September 23, 2013

Subject: Proposed Changes to WSIB Rate Groups In Response to Mandatory WSIB Coverage

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*Whereas:* Unlike other industry associations, OHBA has been and continues to be opposed to mandatory WSIB coverage for independent operators (IOs), partners in partnership and executive officers (EOs); and

*Whereas:* Policies from Bill 119 will not make workplaces safer and instead may increase the size of the underground economy activity due to these costly new legislated requirements; and

*Whereas:* Mandatory WSIB coverage is an unnecessary significant new cost burden on entrepreneurs and job creators that work on the tools; and

*Whereas:* Prior to mandatory coverage IOs and EOs had 24/7 coverage in private insurance that was significantly less expensive; and

*Whereas:* Through the operationalization and creation of policies around Bill 119, the WSIB wrongly worked under the assumption that owners “on the tools” have the same risk profile as their employees as owners are currently paying the same premium rate; and

*Whereas:* This assumption is wrong as return-to-work policies and sensitivity to experience rating as well as the type of work owners perform lends itself to less risk than construction employees; and

*Whereas:* OHBA continues to believe that mandatory coverage should be abolished; and

*Whereas:* OHBA is an association that provides government with pragmatic, practical advice that recognizes the political realities of the day.

*Therefore be it resolved that:* The WSIB create a separate rate group for independent operators and executive officers ‘on the tools’ that takes into consideration market realities prior to Bill 119 and creates market-competitive rates that is established at one-third of the current rate group. All newly captured IOs and EOs should pay a premium rate equal to one-third of the construction rate group they fall into. This should act as the standard for a five year period. After this time, WSIB should have the data to determine the true experience rating of IOs and EOs in construction. The chart illustrates what the rate group structure would look like based on the 2014 Premium Rates.





|     | <b>Rate Group</b>   | <b>2014 Premium Rate</b> | <b>OHBA Proposal For IOs, and<br/>EOs “performing construction”</b> |
|-----|---|--------------------------|---|
| 704 | Electrical And Incidental<br>Construction Services            | 3.69                     | 1.23  |
| 707 | Mechanical And Sheet Metal Work                               | 4.16                     | 1.39  |
| 711 | Roadbuilding And Excavating                                   | 5.29                     | 1.76  |
| 719 | Inside Finishing  | 7.51                     | 2.5   |
| 723 | Industrial, Commercial &<br>Institutional Construction        | 4.55                     | 1.52  |
| 728 | Roofing   | 14.80                    | 4.93  |
| 732 | Heavy Civil Construction                                      | 7.03                     | 2.34  |
| 737 | Millwrighting And Welding                                     | 6.90                     | 2.3   |
| 741 | Masonry   | 12.70                    | 4.23  |
| 748 | Form Work And Demolition                                      | 18.31                    | 6.1   |
| 751 | Siding And Outside Finishing                                  | 10.25                    | 3.42  |
| 755 | Non-Exempt Partners and Executive<br>Officers in Construction | 0.21                     | 0.21  |
| 764 | Homebuilding  | 9.10                     | 3.33  |

MOVED: James Bazely SECONDED: Larry Otten

CARRIED

## RESOLUTION #9 (External)



Submitted to: Ministry of Training Colleges and Universities  
College of Trades

Submitted by: OHBA Board of Directors

Date: September 23, 2013

Subject: Opposition to All Compulsory Trade Application Requests Through The Ontario College of Trades

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*Whereas:* OHBA participated in all journeyperson-to-apprentice ratio reviews through the Ontario College of Trades in order to advocate for an across the board 1:1 ratio for all trades involved in residential construction; and

*Whereas:* OHBA found the College of Trades Ratio Review process (Ontario Regulation 458/11) to yield inconsistent and unpredictable results that varied according to review panel members; and

*Whereas:* the review of classification of trades is likely to yield inconsistent and unpredictable results as the classification review process is similar to the ratio review process (Ontario Regulation 458/11); and

*Whereas:* The number of compulsory trades in residential construction in Ontario is consistent with every other province in Canada (with the exception of Quebec); and

*Whereas:* New home construction and renovation lends itself to a fluid system of labour supply that is not dependent on the strict application of "Scope of Work" that may be more suitable in larger construction applications; and

*Whereas:* The current compulsory status of trades in Ontario for residential which include: Electrician, Sheet Metal Worker, Air Conditioning Mechanic, Crane Operator, and Plumber are appropriate due to the health and safety concerns for both workers and the public; and

*Whereas:* There are negative implications if additional trades are deemed 'compulsory' such as: fewer opportunities for workers entering trades due to new regulatory requirements work in construction; regional imbalances of labour supply and the ability to complete projects in a timely fashion; additional costs of infrastructure, housing and renovations; and increases in underground economic activity in newly 'certified' trades; and

*Whereas:* There may be enormous economic benefit for certain unions in construction to have compulsory certification in their trade as certain unions will have significant control over training, the supply of labour and the scope of work for the trade; and

*Whereas:* Certain unions will have enormous economic incentive to ensure that compulsory certification is the model for all trades in construction and will likely place significant financial resources to ensure Review Panels rule in favour of additional 'compulsory' construction trades.

*Therefore be it resolved that:* OHBA will oppose every College of Trades application for compulsory certification in currently voluntary trades in residential construction and oppose every College of Trades application for voluntary certification in currently compulsory trades.

MOVED: Bruce Bolduc                      SECONDED: Steven Harris

CARRIED