



**Confederation of Resident & Ratepayer
Associations in Toronto**

17 November, 2022

Attn:

**The Chair and Members of the Standing Committee on Heritage, Infrastructure
and Cultural Policy – Bill 23**

schicp@ola.org

**Re: Bill 23 -More Homes Built Faster Act (2022) Standing Committee November
17, 2022**

Background

The Confederation of Resident and Ratepayer Associations in Toronto is a not-for-profit incorporated independent umbrella organization which was formed in the late sixties as a collective voice to protect the environment, heritage properties and to encourage participatory planning actively involving affected communities.

Rights Denied, Rights Retrieved

Removal of the right to have access to Third-Party Appeals from Minor Variance, Consents and Other Matters is not a standalone action taken on the part of the Province of Ontario. Over the past year we have seen the removal of a number of rights to appeal:

- a) Families have had been denied their right to sue private Long Term Care Facilities when their loved ones have suffered neglect or abuse.
- b) Education Support Staff have had their right to strike removed but restored quickly with tremendous support from their Union colleagues.
- c) Here we are advocating for our Neighbourhoods and communities because our 3rd Party Rights of Appeal have been removed at all levels. Up to the arrival of this Bill 23, there were some prohibitions in the Planning Act such as the Development Permit System which denied communities the right of appeal but nothing like applying it to all levels of appeals.

If we are denied third party right of appeal, we will find another way to exert this right legally. We fully support and will help to implement the legal strategies which Mr. Roberts has suggested.

Conservation Authority Powers, Infrastructure

Removal of Conservation Authority Powers, defunding of Infrastructure Policies and Initiatives, prohibitive amendments to Heritage Policy and Zoning By-Laws & Official Plans will be the epitaphs of Neighbourhoods, the Greenbelt as graveyards across Ontario's Municipalities. Just a decade ago Toronto was called the Switzerland of North America. Now we are heading in the direction of being called the Detroit of the 70s

Municipal Hurdles and Compromises

The City of Toronto Development Dept.'s planners and legal counsel have taken advantage of the prohibition of 3rd party right of appeal already in the Planning Act as follows:

- a) Taking the Development Permit System (DPS) legislation as far as the Divisional Court. All they had to do was test the DPS in two districts or areas but they refused to do this preferring to drag it through the courts. They were not successful against the partnership of 2 Developers' Legal Counsel, CORRA, SARA (Swansea Area Ratepayers Association) and Lakeshore Planning Council Community and it was referred back to the OMB where it still waits implementation.
- b) Putting through a Motion to Dismiss the 7 Resident Associations' Appeal of Garden Suites based on the right that only the Minister of Municipal Affairs could Appeal. The point of the 7 Appeals was to firm up the ambiguities in the rebuilds with the requirement that it would remain the same as the original in relationship to the addition of Garden Suites. This would help protect the rental replacement units in a building. The OLT was prepared to let the Appeals go through to a Hearing based on their merits but the City did not want to take the chance that we would be successful!
- c) The negative impact of the removal of the 3rd Party Right of Appeal is not limited to Toronto. The Town of Gananoque also went through the DPS and were assured that they were protected against any digressions from their 233-page zoning handbook. With the arrival of a new town Council, they had to throw the handbook out the window. They were told their only resort was to sue the Town Council as they had no right of appeal

Conclusion

CORRA and our communities support moderate intensification with the integrity of good planning, protections for our greenspace and proactive enhancement and review of our infrastructure systems. In other words, we want a Complete City which is supported by the integrity of good planning. CORRA has a working group which is producing a Blueprint for Complete Communities and Moderate Intensification to do just that.

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Appendix A

CORRA Working Group: A Blueprint for Building Complete Communities With Moderate Intensification

CORRA is an independent incorporated confederation representing its member resident and ratepayer groups from the north, south, east and central areas of the City of Toronto. We aim here to provide recommendations to planners, the Mayor, councillors, and community groups with regard to current intensification initiatives.

The CORRA recommendations are intended to ensure that these initiatives are carried out with appropriate sensitivity to create and sustain *whole and vibrant communities*.

The recommendations are also informed by policies encoded in Toronto's Official Plan and associated zoning and building regulations which aim to ensure that these initiatives are carried out with appropriate sensitivity to the goal of creating and sustaining the neighbourhoods' character, moderate intensification and promoting *complete communities*, ensuring clear objectives and positive outcomes. These include:

1. ***Adequate infrastructure***: Intensification initiatives should be preceded by detailed holistic assessment of candidate communities, aimed at ensuring that the community has the infrastructure (including adequate sewer, power, transportation, shopping, and education services), green spaces, and other basic goods, sufficient unto accommodating the anticipated growth of **moderate** intensification.
2. ***Context-sensitivity***: Moderate Intensification initiatives should be sensitive to and aim to foster clear public, private planning and zoning (e.g. the maintenance of FSI to assess Moderate Intensification and 'prevailing' in the Official Plan protecting the neighbourhoods' character, including cultural areas (e.g., distinctive shopping or residential districts), goods fostering health and the experience of beauty (e.g., free and plentiful access to green space, protection of public and private trees), and goods associated with being free from onerous noise, debris, shadow, and overlook, whether at home or out and about. Consideration should be given to the creation of a new RD(u2) zone to allow for moderate intensification.
3. ***Climate Change and the Environment***: Moderate intensification initiatives must ensure that affected neighbourhoods are resiliently positioned to mitigate the anticipated negative impacts of climate change (e.g., increased severity of storms, flooding, heat waves), optimally reducing our environmental footprint.

4. **Economic Sustainability:** Moderate intensification initiatives must be properly funded; there must be accountability and transparency regarding proposed spending, and (especially in light of decreased development charges) alternative revenue tools must be identified.

In what follows, we offer some more detailed suggestions about the best way to achieve these goods and goals, in service of *building complete communities*.

1. Adequate infrastructure and Economic Sustainability

Building whole communities require that necessary power, transportation, education, and other infrastructure be in place. Unfortunately, in past decades the City has not conducted infrastructure studies antecedent to its intensification initiatives, with regrettable results (days-long power outages; flooded streetcars; children forced to commute long distances to attend school). Further intensification initiatives will certainly, for some neighbourhoods, require expansions of power, sewer, educational, and green space infrastructure, which costs money.

Moreover, empirical studies establish that intensification initiatives frequently decrease rental availability and purchase home affordability since increased building standards and new built forms encourage increased speculative activity. Increased land and building prices also increase property taxes on those on fixed or low incomes. New building permissions also appear to be generating a significant increase in home purchases by developers who then redevelop previously affordable homes in ways rendering affected neighbourhoods increasingly unaffordable. Unfortunately, despite frequently raising such concerns about the economic impact of intensification initiatives, no attention has been paid to these concerns.

CORRA's suggestion: Moderate Intensification initiatives must be **preceded** by a comprehensive review of each neighbourhood's infrastructure, aimed at determining to what extent this infrastructure can support an influx of new residents and units.

Furthermore, a guarantee of proper funding for enhanced infrastructure must be in place, if needed, for the whole community. In addition, the impact of intensification initiatives on the number of rental units, purchase prices, and the effect on property taxes must be studied, and policies should be put in place to prevent development-driven speculation and associated adverse economic impacts.

2. Context-sensitivity

Given that Toronto is predicted to grow by a minimum of 700K people by 2051, more housing is needed—everyone recognizes that. However, implementing intensification initiatives in a given area should be done with due sensitivity to the area's prevailing physical characteristics, including block patterns, lot sizes, building scale and massing, and distinctive styles of architecture. Indeed, the need for development to be context-sensitive is repeatedly emphasized in Toronto's Official Plan, as in OP Policy 4.1.5, requiring that development be sensitive to 'prevailing' built form and moderate in its intensification. This is not to say that change in such form cannot occur but rather that planning standards for new building forms should be sensitive to, and aim to be properly integrated with, existing physical and *prevailing* patterns.

Unfortunately, however, recent intensification initiatives, associated with laneway suites, garden suites, and four-storey multiplexes, has offered across-the-board by-laws and permissions, in a cookie-cutter rather than context-sensitive fashion. Indeed, the PH35.3 EHON study recommends that the reference to ‘prevailing’ in the OP be removed—a recipe for **context-insensitive** development.

CORRA’s suggestion: Rather than remove references to ‘prevailing’ in a way that encourages **context-insensitive development**, the OP should rather be amended to ensure that new building types will respect the area’s existing physical characteristics and neighbourhood character, by organically extending the existing standards and bylaws in the area to sensitively integrate any new built forms.

FSI assessment must be maintained to ensure the integrity of the process of providing moderate intensification. Consideration should be given to the creation of a **new zoning area called RD(u2)** to further guarantee a manageable and moderate intensification.

3. Climate Change and the Environment

A key component of the Provincial Policy Plan, ‘A Place to Grow’ (April 2019), specifically recommends that Toronto’s Official Plan incorporate actions to reduce greenhouse gas emissions and deal with stormwater flooding. Unfortunately, since the publication of ‘A Place to Grow’, no changes have been made to the OP with regard to neighbourhoods in these crucial respects. Moreover, intensification initiatives seem to be directed at expanding building standards in ways that might be foreseen to put more, not less, pressure on the environment.

For example, the recent laneway and garden suite initiatives will in many cases result in a net decrease of permeable backyard land and breathing and cooling trees. And (related to infrastructure issues) increases in height permissions from 2 or 3 to 4 storeys will put more pressure on sewer and power grids. Nor is it clear that these expansions are necessary for purposes of accommodating the anticipated increase in population. For example, the PH35.3 multiplex report observes that “Maximum height permissions in about 87% of Neighbourhoods across the city range from 8.5 to 10.5 metres or generally permitting 2 to 3 storeys. The team has used these limits in design work, and the analysis has shown the potential for adding more units without changing the existing height permissions”. Even so, the report recommends four stories, with the attendant greater impacts on the environment.

CORRA’s suggestion: Moderate Intensification initiatives should be implemented in ways that decrease the burden on the environment, and more generally are duly sensitive to the existing climate change crisis and in line with the City’s ‘Climate Emergency Policy’ —preferably with substantive input from Parks, Forestry, and Conservation staff.

Private trees must be given the same protective zoning as public trees and permeable, greenscape be maintained or increased in the interest of protecting environment sustainability. Such initiatives should require that planners and developers provide solid evidence with regard to the impact of a proposed development on tree canopies (public and private), underground streams, stormwater management and so on.

Finally, the city should move to quickly implement the suggestion in the PH35.3 multiplex proposal report, whereby “Further research, regulation and design work is [...] recommended to inform zoning regulations for soft(green) landscaping, as well as city-wide policies to achieve lower carbon low-rise development, as outlined in the Future Work section below”.

4. Economic Sustainability and Potential Affordability (Optional)

Affordable Housing Suggestions as follows:

A) long term land lease and not the continued disposition of city owned lands which should both reduce costs and allow maximum flexibility for land use for future generations of Torontonians. This has worked well for LIFE LEASE properties (both equity and non equity in Ontario

B) Encourage development by not for profits for both equity & non-equity coops

C) Encourage development on some of the churches that exist on under-utilized land in Toronto.

D) subsidize capital as use to be done by CMHC for not for profits

E) Encourage off the grid or reduced grid dependency on new developments where practical.

F) Care should be taken to ensure Neighbourhood Improvement Areas (N.I.A.) are properly resourced re: hard and soft infrastructure in order to underline NIA initiatives.