Greenspace Alliance of Canada's Capital
Alliance pour les espaces verts de la capitale du Canada

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2 November 2015

To: Valerie Quioc Lim, Clerk
Standing Committee on Social Policy
Room 1405, Whitney Block
Queen's Park, Toronto, ON M7A 1A2

by Email: vquioc@ola.org

Dear Ms. Lim,

Re: Bill 73

Since 1997, the Greenspace Alliance has worked with community organizations and individuals to preserve and enhance natural areas in the National Capital area, including public and private green spaces, wetlands and waterways. We believe that urban greenness is essential for a community's quality of life, contributing to our personal, social, economic, cultural and spiritual well-being. It also connects us with the natural and cultural history of our region.

Many of our interventions reference both the *Development Charges Act* and the *Planning Act*. We are an active participant in many of the City of Ottawa's consultation processes and have frequently intervened before the Ontario Municipal Board.

We strongly support many of the amendments to both *Acts* proposed in this Bill and specify them below. The few amendments we disagree with are underlined. Suggestions for improvement or for what consequential regulations should contain are set in **bold**. For your convenience, all points are preceded by the relevant section of the Bill.

Key points made

- Repeal of the 10% reduction for transit services in the calculation of development charges is strongly supported, as is the forward-looking basis for estimating capital costs. We suggest the latter should apply to piped services as well. We suggest that "Benefits to existing settlement areas" should be better defined.
- We applaud the higher profile awarded to public input and suggest that the Bill could do even more to foster a collaborative land use planning process.
- We welcome making a planning advisory committee obligatory but suggest that, as a minimum, it should consist of a majority of independent residents.
- We fully agree that "global" appeals of a new official plan or zoning by-law should not be allowed and suggest that this rule be extended to Comprehensive Official Plan Amendments as well.
- We strongly oppose reducing cash-in-lieu-of-parkland to the equivalent of 1 ha per 500 dwellings and, worse, giving a municipality the option to specify an even lower rate.

Amendments to the *Development Charges Act*

1. [s. 3] We strongly support the repeal of the 10% reduction for transit services. This is a change we have been suggesting for some 10 years.

2. [s. 4] We also strongly support using planned future service levels as the basis for capital cost estimates. The Bill says this change will apply to prescribed services. Presumably this will include transit services but **we suggest that it should apply to piped services as well. Adapting to climate change and extreme weather events requires higher standards for flood proofing and run-off capacity than in the past (which will likely cost more); on the other hand, water consumption has decreased significantly over the past ten years so that less future capacity should be planned for than in the past (which will save money). A forward-looking analysis for all piped services, in addition to public transit, is therefore appropriate.**

3. **"Benefits to existing settlement areas" are not mentioned in the Bill. We suggest that, either through legislation or regulation, the method of calculating such benefits be better defined. These alleged benefits are often not real or are in fact negative (e.g., a wider suburban road bringing more traffic to an existing community). This deduction is one important reason why "growth paying for growth" is not fully achieved.**

4. [s. 5] We support including an asset management plan as part of the Background Study, the more comprehensive reporting on assets and sources of funding, and obliging the City to make such statements available to the public. This will go a long way towards comprehensive accounting for all of the City's assets -- the ultimate goal.

5. [s. 8] We are puzzled by section 8 of the Bill, which proposes rather harsh Ministerial powers to bring municipalities to heel. **A rationale for this section would be appreciated.**

Amendments to the *Planning Act*

Again, we are very pleased with many of the proposed amendments. **The legislation should foster a collaborative land use planning process.** At least here in Ottawa we are far from achieving that. On the contrary, in several respects the City's practices promote an absence of dialogue between stakeholders, and developers all too often count on getting their way at the OMB rather than engaging in a genuine dialogue with the community.

6. [s. 13] We agree that a review and possible revision of the Provincial Policy Statement every 10 years is sufficient.

7. [s. 15] We agree that the City should be obliged to have a planning advisory committee but suggest that inclusion of at least one resident (who is neither a Councillor nor an employee of the City) is too low a standard. Several models to bring public input to bear on development proposals are conceivable but, in our view, an advisory group with just one "outside" member cannot be effective. We suggest that such a committee should have at least a majority of "outside" residents. Residents appointed to such committees should meet published criteria to ensure they have relevant experience, are independent and have no conflict of interest.

8. [various sections] We applaud the requirement that, in their Notices and Decisions, authorities have to explain the effect that written and oral submissions from the public (**including the development industry**) have had on the decision.

9. [s. 16] We agree that Official Plans should include a description of the protocol for obtaining the views from the public when amendments to the plan or zoning by-laws, and plans of subdivision or consents are proposed.

10. [s. 17(5)] We strongly support the disallowance of "global" appeals of a new Official Plan but **suggest that such disallowance be extended to Comprehensive Official Plan Amendments under s. 26 of the *Act*. We consider any "global" appeal an abuse of process.**

11. [s. 17(7) - new ss. 25.1 to s. 17] We agree that an appeal arguing that a Decision is contrary to the PPS should be substantiated but caution that **the word "explain" may have to be further defined.**

12. [s. 17(7) - new ss. 26.1 to s. 17] While we agree to give explicit license to Council to use mediation, conciliation or other dispute resolution techniques when a Decision is appealed, **we suggest that, in certain circumstances, such mediation could be made obligatory rather than voluntary, namely if the appealing Party has in fact not met certain criteria for engagement with other stakeholders in the process leading up to the Decision. This could serve as an incentive to engage more collaboratively with others.**

13. [ss. 20(1), 23(10) and 25(1)] We agree that a new Official Plan should remain unchallenged for two years and should next undergo a s. 26 review after 10 years instead of five. Similarly, if a municipality overhauls the totality of its zoning by-laws, there should be no ability to appeal for two years.

14. [ss. 26(7) and 27(17)] We applaud the stricter reporting requirements for s. 37 community benefits and cash-in-lieu-of-parkland, similar to stricter reporting requirements for DC funds and assets (ref. item 4 above).

15. [ss. 27(4) and 31(3)] We strongly oppose the proposed equivalence for cash-in-lieu-of-parkland as 1 ha per 500 dwelling units, from 300. Worse, Council would by by-law be able to specify an even lower rate. As we densify our cities, we need more greenspace, not less.

16. [s. 28(1)] We wonder if the new clause which would allow a Committee of Adjustment to grant a minor variance only if prescribed criteria are met is an opportunity for Cabinet to **ensure through regulation that CofAs conform to the 2005 *Vincent v. DeGasperis* decision. That would be a progressive step because, in our observation, CofAs continue to grant minor variances all too readily and without sufficient rationale.**

17. [ss. 35 and 36] A development permit system to control land use is not explicitly practiced in Ottawa so we have no experience with it. **We strongly support the objective of creating greater certainty in the development review process and to that end have long advocated the simultaneous consideration of, as the case may be, a Community Design Plan, Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision. It is not clear to us whether this objective would be realized under a development permit system.**

We appreciate this opportunity to comment.

Regards,

Erwin Dreessen
Erwin Dreessen
Co-chair