



“YOUR VOICE MAKES OUR VOICE STRONGER”

<http://unionvilleresidents.ca>

Honorable Steve Clark
Minister of Municipal Affairs and Housing
Government of Ontario
Via email: minister.mah@ontario.ca

May 30, 2019

Dear Minister Clark:

Comments on Bill 108 (More Homes, More Choices Act)

The Unionville Residents Association (URA) would like to provide comments on this Bill. We are one of Markham’s largest and most active ratepayer groups, and have long been involved in housing affordability. For example, we convened a Housing Affordability Forum in May, 2017, attended by over 125 members and guests. Expert speakers from the banking sector, three levels of government, government agencies and the developer community spoke on their perspectives of the problem and potential remedies. The Forum focussed on market-based housing affordability (making a broader quantity and quality of market-priced units affordable to more people) rather than social or assisted housing (where housing costs are subsidized, such as by a rent-geared-to-income program).

We selected a narrow range of promising initiatives to be worked at the municipal level, and have since continued to pursue them, including a recent meeting with Markham staff.

We support the Province’s objective in Bill 108 of stimulating housing development in Ontario by increasing certainty, reducing costs, improving efficiency and streamlining the approval process. We offer the following comments on the draft Bill.

1. Timelines for Consultation Completely Unreasonable

It is astounding that a Bill that changes 13 different statutes, many in a major way, was given only 30 days for public comment. It is even more astounding that the legislation is scheduled for referral to the Standing Committee on Justice Policy on June 3 for a public hearing and then received by the House one day later on June 4, where it will proceed to Third Reading and Royal Assent thereafter.

It is also concerning that the draft Regulations, which will affect critical implementation details, including financial impacts, are not yet available for public comment.

The URA strongly urges a go-slower approach. We believe the consultation on the draft Bill should be extended at least for 60 more days. In addition, draft regulations need to be published asap. The preferred 60 day public review process should ‘not’ begin until ‘after’ the draft regulation has been published, per normal government procedure

2. Financial Issues Appear to be Significant

In the absence of draft regulations, it is difficult to make definitive comments on the financial impacts of Bill 108. But at first glance, they appear to be significant.

We are pleased that some services, including new water, wastewater, storm water, roads, transit and fire needs arising from development will continue to be funded as they are today. We are also pleased that waste diversion costs are now proposed to be 100% recoverable from development charges, versus 90% today.

URA believes that growth should pay for growth. We also believe that the level of services in our community for such items as parkland, libraries and recreation should not suffer as growth occurs.

The biggest issue relates to other soft services, particularly recreation, library and parkland. Currently costs for these from new development are recovered as part of Development Charges, Parkland/Cash-in-lieu levies and Section 37 funds. As we understand it, these will now be bundled in a new Community Benefits Charge which will be capped and likely be lower than today's components.

We strongly urge that the structure and cap of the Community Benefits Charge be set so there is no reduction in revenue versus today's approach. We do not want to see an increase in property taxes to cover service needs arising from development.

There is also uncertainty whether these financial changes will indeed reduce housing costs. Or will developers simply pocket the difference in fees, or bid more for raw land? Any permitted reduction in the total charges paid by a developer versus what is paid today should be directly linked to the provision of more affordable housing.

3. Shortened Timelines for Decisions on Development Applications will be Counterproductive

The Bill proposes major reductions in government timelines on decisions on development. For example approval of an Official Plan Amendment must be within 120 days versus today's 210 days. Many development applications in Markham are complex and require review by many agencies. They also require a statutory public meeting. They also often involve collaborative discussions up front between developer and residents. All of this takes time. We believe that the timelines in the Bill are unrealistic and will simply lead to more applications ending up at the LPAT, driving up costs and schedule.

4. Inclusionary Zoning (IZ) should be permitted beyond Major Transit Station Areas (MTSA)

IZ was identified at our 2017 Housing Forum as an important municipal lever to increase housing affordability. URA supports IZ. We believe that the Bill's restriction that IZ can only be used in MTSA is unnecessarily restrictive. There are certain intensification areas in Markham, such as Markville Mall, Mt Joy or some employment land conversions, that may not be designated as MTSA, but should still be eligible for IZ. Having IZ as a lever/bargaining chip during negotiations with developers on contentious issues like employment land conversions or property density could result in more affordable housing for the community.

5. LPAT Reversion back to "de novo" Evidence is Problematic

The changes made last year to give greater deference to municipal decisions on development applications were very welcome. The Tribunal rulings were limited to whether a municipality had followed Provincial Policies and its own plans and policies.

The proposal to allow LPAT to ignore Council decisions, and even hear new evidence, brings us back to the old OMB process which was too developer-friendly. The present LPAT rules should remain, as is, for a period of at least 3 years to see how they are working, before making any changes.

6. Conservation Authorities (CAs) need to continue to Review Development Applications in Detail and Engage in Watershed Planning and Resource Management

The URA tries to review and comment on all major development proposals in our area. We have found that the Toronto and Region Conservation Authority (TRCA) review of developments to be very informative and helpful. We are concerned that review of some aspects of development applications is no longer to be a core service of the CAs. TRCA review comments are provided today on the following aspects of a development: natural heritage, water resources, stormwater management and natural hazard management. As we understand the proposed Bill, only natural hazard management will be reviewed. We urge that a mechanism be found where CAs such as the TRCA can continue to comment on development applications with the same broad level of review as today.

The CAs also provide a valuable resource in watershed planning and resource management, including Markham's 5 watersheds – Don, Rouge, Petticoat, Highland and Duffins –all of which extend beyond our municipal boundaries. It is unreasonable to expect individual municipalities or even regions to develop plans over such a large geographic area. We urge that watershed planning and resource management be restored as a core service.

We hope you find these comments helpful and would be pleased to discuss further.

Yours truly,

Peter Miasek

Peter Miasek, Past President

cc.

Mayor and Council, City of Markham

Paul Calandra, MPP

Logan Kanapathi, MPP

Gila Martow, MPP

Billy Pang, MPP

Daisy Wai, MPP