

“YOUR VOICE MAKES OUR VOICE STRONGER”

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Hon. Paul Calandra, MPP Markham-Stouffville
Logan Kanapathi, MPP Markham-Thornhill
Gila Martow, MPP Thornhill
Billy Pang, MPP Markham-Unionville
Daisy Wai, MPP Richmond Hill

June 19, 2019

Dear MPPs representing Markham:

Concerns with Ontario Bill 108 Regulatory Proposal on Community Benefit Charge (Parkland Acquisition)

We are writing you about an issue that is **certain to inflame residents** of Markham and other Ontario cities dealing with the challenges of rapid growth. It concerns the unreasonable parkland dedication formula for high density development that is in the recent regulatory proposal on Community Benefits Charges. We urgently need to start a dialogue on this potentially explosive issue.

As you know, the URA is one of Markham's largest and most active resident associations. We have long followed Bill 108 (More Houses More Choices Act), which made changes to 13 Ontario statutes. While there were a few positive provisions, such as coverage of waste diversion costs, there were many concern areas. In May, 2019, we sent a letter to the Minister of Municipal Affairs and Housing outlining 6 concerns. This letter was copied to each of you. We did not hear back from the Minister.

Our 6 concerns in 2019 were (for details, see our letter of May 30, 2019):

1. Inadequate consultation time on the Bill. This is now moot, as the Bill was passed into law.
2. Potential financial shortfall from the new Community Benefit Charge (CBC) that would replace soft Development Charges, parkland dedication and Section 37 (density bonus) charges. The framework proposed appeared to contradict the principle that growth should pay for growth. The CBC appeared to be non revenue neutral versus the previous regime, as it was too low to fully cover costs of soft services that lower-tier municipalities like Markham cover, namely land for public parks, park development, libraries and recreational services. Subsequent calculations by Markham have estimated the annual revenue shortfall to be **\$100 million/yr.**

3. Shortened timelines for decisions on development applications. Many development proposals are complex and require review by many agencies. We believed that the timelines proposed were unrealistic and would simply drive more applications to the LPAT.
4. Inclusionary Zoning (IZ) should be expanded beyond Major Transit Station Areas. We believe that other intensification areas, such as employment lands, should be eligible for IZ. Having IZ as a bargaining chip during negotiations with developers on contentious issues like density could result in more affordable housing.
5. LPAT Reversion back to “de novo” evidence. These changes bring us back to the old OMB process, which was too developer-friendly, making it difficult for municipalities to maintain control over city planning.
6. Conservation Authorities (CAs) need to continue to review development applications in detail and engage in watershed planning and resource management. The CAs provide a valuable expertise that is vital to the review of large developments.

Despite concerns from many municipalities and non-government organizations like ours, Bill 108 was passed in July, 2019 although the majority of its provisions are not yet in force, pending final regulations.

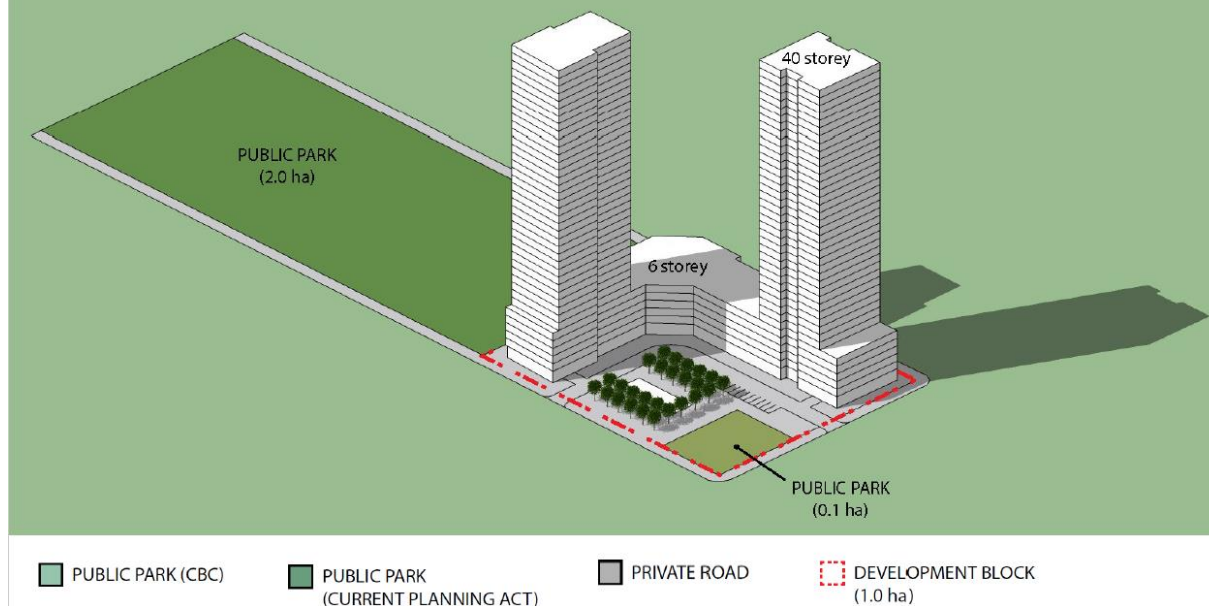
Since then, there has been limited news or updates on issues 3-6. However, for issue 2, an updated set of draft regulations on the CBC and the Development Charge regime was posted on February 28, 2020.

There was good news in that some soft services (library, park development, recreational services, public health, childcare) will now remain within the DC regime, with the mandatory 10% reduction removed. However, the big concern is that there will be a CBC cap of 15% of land value, allocated as 5% to upper-tier municipalities (i.e. York Region) and 10% to lower-tier municipalities (i.e. Markham). This is expected to fund the remaining list of soft services.

At a lengthy General Committee meeting on April 20, Markham staff reviewed the implications of the new CBC. The 10% cap causes a real problem for Markham to acquire sufficient land for parks that are within walking distance of new developments. The previous formula was based on a hectares per residential unit basis. For low density development, the new formula results in about a 20% reduction in parkland per resident, which may be manageable. However, for high density, the new formula could result in an 85-95% reduction in parkland per resident!

The graphic below, prepared by staff, shows an example scenario for a development with two 40-storey towers. **Public parkland is reduced from 2.0 ha to 0.1 ha (95%).**

Parkland Comparison: 40 Storey Condo



Based on the anticipated mix of future low and high density development in the city, Markham forecasts a 65% decrease (\$100M/yr.) in total city revenue for parkland acquisition. In an era of increasing need for physical distancing and outdoor recreation for all residents, this dramatic downward revision in public parkland is unacceptable. Where are the public playing fields of our future to come from?

Markham staff has submitted comments back to the Province requesting an upward revision to the cap and going back to a formula based on density or unit count.

As the MPPs representing Markham, we urge you to review this urgent matter with Minister Clark and prevail upon him to make changes to the parkland formula for high density developments. We believe that growth should pay for growth, and this change must be reversed.

In conclusion, we believe this issue will cause significant resident outrage. We need to promptly start a dialogue with you and the government on this matter, such as, for example, a virtual town hall with our board or members. We will be in touch regarding next steps.

Yours truly,

Alick Siu

Alick Siu, President

Peter Miasek

Peter Miasek, Past President

cc. - Mayor and Council, City of Markham

-Jeff Burch, MPP, Opposition Critic, Municipal Affairs

-Steven Del Duca – Liberal Party leader

-Mike Schreiner – Green Party leader

