

Standing Committee on the Legislative Assembly
c/o Valerie Quioc Lim, Clerk
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
Toronto, ON M7A 1A2

April 11, 2022

Re: Bill 109, *More Homes for Everyone Act, 2022*

To Whom It May Concern:

The Ontario Association of Architects (OAA) commends government for the introduction of Bill 109, *More Homes for Everyone Act, 2022*. This proposed legislation acknowledges the housing crisis in Ontario and takes steps to address it by:

1. Supporting innovation in design and construction;
2. Supporting innovation in the development approval process; and,
3. Addressing the urgency of the issue.

Established in 1889, the Ontario Association of Architects (OAA) is the self-regulating body for the province's architecture profession. It governs the practice of architecture and administers the *Architects Act* in order to serve and protect the public interest.

As the regulator for the profession responsible for the design of built environments where Ontarians live, work, and play, the OAA is keen to continue working alongside government to address housing affordability in the province.

While the OAA acknowledges the multitude of changes being proposed, the OAA will be focusing our response more narrowly on items that relate to the practice of architecture. We will leave it to the many capable organizations to comment on other aspects of the legislation tabled before us today.

1. Supporting Innovation in Design and Construction

The OAA is pleased to learn that the proposed legislation supports innovations in design and construction. Over the last six months, there have been multiple consultations that the Association has weighed in on, such as changes to the Ontario Building Code, that contemplate similar innovations.

The OAA supports the allowance of twelve-storey encapsulated mass timber buildings. Ontario has the potential to become a global leader in the use of sustainably-harvested wood for building construction. Not only do trees capture carbon during their growth, but that carbon is also sequestered for the life of the buildings in the buildings and not emitted into the atmosphere. Where trees are cut down, new forests can be planted in their replacement to begin the process anew. In addition, mass timber products and construction have a significantly lower embodied carbon impact compared to other traditional building materials. The use of wood in

building construction, other than as currently used in low and mid-rise residential construction, can have a significant impact on greenhouse gas reductions, positive contribution to local economies, and can provide more expeditious approaches to building construction.

The OAA also supports proposed changes to make modular, multi-unit residential buildings feasible in Ontario and shared this support in a recent Ontario Building Code consultation. This form of construction can:

- Include a greater degree of quality control;
- Utilize less energy (and therefore carbon) during the on-site assembly process;
- Reduce solid waste; and,
- Integrate BIM design workflows directly with the off-site manufacturing process.

Additionally, the pre-manufacturing process may be economically beneficial and broaden the availability of quality controlled construction that has advantages for shipping to remote communities and communities with limited construction or material resources.

2. Supporting Innovations in the Development Approval Process

In addition to innovations in design and construction, the OAA is also pleased to learn that the proposed legislation supports innovations in the development approval process.

Of particular interest for the Association is the proposal to require municipal councils to delegate site plan control decisions to municipal staff. This is a significant development and one that the OAA has supported for more than a decade when independent research identified it as a best practice / recommendation for improvement.

It appears as though the true purpose of site plan approval may have been lost over time, but from the 2013 report *A Review of the Site Plan Approval Process in Ontario*: “the site plan approval process is intended to be a technical and predictable review process [which] relies on professional staff, rather than elected politicians and/or the public, to approve the plans.” Indeed, the 2013 report notes that “Section 41 of the *Planning Act* “does not provide for third party involvement [which] can be especially confusing or frustrating for all parties involved.”

For nearly a decade, the OAA has called on government to fix the province’s broken Site Plan Approval process and delegated approval is only one aspect of needed reforms. In 2013 and 2018, the Association commissioned independent research to quantify the economic impact of this lengthy process on individual projects as well as the cumulative effect on the province.

The first report by Bousfields Inc. and the Altus Group, *A Review of the Site Plan Approval Process in Ontario* studied two hypothetical projects—a 100-unit condominium apartment building and a 50,000 square foot office building. For the

sake of this submission, we will focus on findings related to the 100-unit condominium. The costs associated with the time spent getting from site plan application to approval was summarized as follows:

- Applicants – For a 100-unit condominium apartment building, each additional month would cost the applicant \$193,000, or roughly \$1,930 per unit per month, which will likely get passed on to new home buyers.
- Municipalities and Existing Communities – For a 100-unit condominium apartment building, the time spent in site plan review process costs the municipality and existing community a combined \$159,900 to \$241,600 per month.
- End Users – For a 100-unit condominium apartment building, the time spent in the site plan review process would cost the end-users a combined \$44,000 per month, or roughly \$443 per unit per month (and recalling that applicant fees are likely passed on to new home buyers via the purchase price).

At the request of various parties including the government-of-the-day, the OAA commissioned Altus Group to develop a follow up report in July 2018 entitled *Site Plan Delay Analysis*. This study aimed to provide updated economic modelling from the original report, and to estimate cumulative costs for the province. It found that direct costs of site plan review for a 100-unit apartment were extremely varied, with fees ranging from “\$1,500 in the City of Thunder Bay to \$90,900 in the City of Markham”.

However, the direct costs can generally be viewed as the proverbial tip of the iceberg. Using a conservative estimate of the annual building permit value subjected to site plan approval across Ontario, Altus estimated indirect costs of the broken site plan approval process to be costing all stakeholders involved up to \$900 million per year.

In addition to mandating a delegated authority for Site Plan decisions, the OAA supports the provision of a 60-day timeline for approval and applauds the government for adding in accountability measures to the plan. The OAA had previously suggested using *deemed approval* (similar to what is present in the Ontario Building Code) and welcomes this alternative proposal.

The OAA understands that a 60-day timeline for approval may seem daunting, perhaps even for architects. We must all learn to do better, because the timeframes to be competitive have been objectively set by our peers. The Housing Affordability Task Force noted:

...of 35 OECD countries, only the Slovak Republic takes longer than Canada to approve a building project. The UK and the US approve projects three times faster without sacrificing quality or safety.

The OAA regularly monitors the Doing Business report produced by the World Bank. Year after year, we have seen our planning process stubbornly remain near the bottom of the list for the amount of time it takes to obtain a building permit.

Bousfields research back in 2013 found that across the province, “approximately half of all applications took 6 months or more to obtain approval”. Larger municipalities were found to take longer than small and mid-sized municipalities. We see statistics—like from the City of Ottawa last week—showing that even after they set a 105-day

target for site plan (the *Planning Act* currently requires a decision in 30 days), the City only managed to hit that target for 28 per cent of “standard applications”.

We have focused so much of our research and time on site plan approval because it accounts for 73% of the time spent in that process, and nearly 60% of the cost. If we fix site plan, we will—to a large degree—fix our timeline for building approvals.

The OAA does applaud government for not enacting the application fee rebates until January 1, 2023, as well as the Streamline Development Approval Fund. While some municipalities like the City of Toronto have made significant strides through programs like Concept 2 Keys, the Association recognizes that municipalities need help and resources to refocus their approval processes to meet this new timeframe. The OAA remains a willing partner with municipalities in helping them streamline their planning approval processes.

Other measures that government could consider to fix Site Plan include restoring Section 41 exclusions in the *Planning Act*. Recently, a planner opined that the only way a municipality may be able to meet the 60-day time frame is if municipalities were prohibited from requiring some items. The suggestion may have some merit as the OAA has cautioned since 2006 that site plan review must be focused on issues related to the public realm, and that “focusing design review on architectural details that have little impact on the public realm [] could frustrate the design review and planning approval process” (OAA submission to the Standing Committee on General Government re: Bill 51, *Planning and Conservation Land Statute Amendment Act*, 2006).

Finally, The OAA has long maintained that an unbiased, independent decision making process is a necessity. It is for this reason that the OAA has continued to support the existence and empowerment of the OMB, then LPAT, and now OLT. This independent Tribunal not only ensures policies and regulations are clear, but that municipalities in turn comply with these policies and regulations. Far from being politically motivated, the OLT is required to make decisions based on planning regimes and rationales.

While we support the OLT, the OAA shares the government’s opinion that the OLT can and should resolve disputes faster. In that vein, the OAA supports the \$19 million investment to help the OLT clear its backlog and to hire more staff consistent with our recommendations over the past decade.

3. Addressing the Urgency

Taken together, these innovations being proposed signals to the OAA that government is committed to addressing the urgency of the current housing affordability crisis that Ontario is faced with. But the Association urges government to continue to explore the tenacious recommendations put forward by the Housing Affordability Task Force to further address the urgency.

Some recommendations that the OAA strongly encourages government to put into action include:

- Recommendation 3: “Limit exclusionary zoning in municipalities through binding provincial action.”

- Recommendation 5: “Permit as-of-right secondary suites, garden suites, and laneway suites province-wide.”
- Recommendation 9: “Allow “as of right” zoning of six to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).”
- Recommendation 10: “Designate or rezone as mixed commercial and residential use all land along transit corridors and redesignate all Residential Apartment to mixed commercial and residential zoning in Toronto.”
- Recommendation 12: “Create a more permissive land use, planning, and approvals system:
 - a) Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood
 - b) Exempt from site plan approval and public consultation all projects of 10 units or less that conform to the Official Plan and require only minor variances
 - c) Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes; restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the Planning Act and reduce or eliminate minimum parking requirements; and
 - d) Remove any floorplate restrictions to allow larger, more efficient high-density towers.”
- Recommendation 29: “Where it is found that a municipality has refused an application simply to avoid a deemed approval for lack of decision, allow the Tribunal to award punitive damages.”

The OAA enjoys a longstanding, collaborative relationship with government, and looks forward to continued work with this Committee to ensure that the public interest is protected and promoted through the development of Bill 109, *More Homes for Everyone, 2022*.

Sincerely,



Susan Speigel, Architect
OAA, FRAIC
President