

*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.*

Standing Committee on Heritage, Infrastructure and Cultural Policy  
c/o Isaiah Thorning, Clerk  
Room 1405, Whitney Block  
99 Wellesley Street West  
Toronto, Ontario, M7A 1A2

Sent by email to [schicp@ola.org](mailto:schicp@ola.org)

November 16, 2022

**Re: Bill 23, *More Homes Built Faster Act, 2022***

To Whom It May Concern:

The Ontario Association of Architects (OAA) has reviewed Bill 23, *More Homes Built Faster Act, 2022*. Although the Association is encouraged by some steps taken to address housing affordability, it strongly urges the Province to closely examine the potential unintended consequences of such a sweeping bill.

As a regulator entrusted with a clear mandate to serve and protect the public interest, the OAA shares a common interest with the government to help solve Ontario's housing affordability crisis.

Having reviewed the proposed legislation, the Association submits the following recommendations:

- remove the proposal to reduce maximum alternative **parkland** dedication rates;
- seek opportunities to support **gentle density/intensification** in already-developed areas;
- maintain and focus the powers of **Local Conservation Authorities** to weigh in on development proposals in floodplains and other ecologically sensitive areas;
- clearly define "**heritage**," explaining what needs to be preserved and what incentives are available to owners to facilitate this preservation;
- invest in tools to support owners and public entities in deep energy retrofits of aging purpose-built residential buildings in order to minimize **rental displacement** and facilitate the longevity and sustainability of such existing housing stock across Ontario;
- create a carve-out in Section 41 of the *Planning Act* to ensure landscape and streetscape materials can be confirmed via **Site Plan Control**; and
- implement an energy step code in the Ontario Building Code.

These recommendations will be further explained in greater detail throughout this submission.

## Housing is Not *Just* Housing

The provincial government has set out to enable the development of 1.5 million new homes over the next 10 years. While the creation of new dwelling units is necessary to support the expected population growth across Ontario, new housing must be accompanied by additional infrastructure and community amenities to support that growth, including schools, libraries, and parkland.

The OAA urges government to require that municipal planning departments consider all services necessary to support growing communities. Regarding parkland in particular, the OAA is pleased to learn about the government's proposal to require municipalities to allocate 60% of their parkland reserve at the start of each year. This will have the effect of creating more parkland faster across the province. However, the proposal to reduce the maximum alternative parkland dedication rate to 1 hectare per 600 units and 1 hectare per 1000 units for cash-in-lieu is problematic.

As pointed out by the Ontario Association of Landscape Architects (OALA), it is unfortunate that in a time of significant intensification, parkland is being squeezed. As the COVID-19 pandemic unfolded, the benefits of parks, streets, and open spaces to the physical and mental health of individuals and communities has been experienced and proven. Affordable housing must not come at the expense of our shared public and civic spaces.

***The OAA recommends removing the proposal to reduce maximum alternative parkland dedication rates.***

As well, affordable housing should not come at the expense of protected greenspaces. Shoshanna Saxe, assistant professor of Civil Engineering and Canada Research Chair in Sustainable Infrastructure at the University of Toronto, was recently interviewed on [The Agenda](#). She noted "...there's a huge amount of land already available to be developed. The myth of the greenbelt causing unaffordability has been around and debunked more times than I have fingers..."

The OAA applauds government's proposal to support gentle intensification through as-of-right conversions of single-family homes to up to three dwelling units, including a garden or laneway suite. However, the Association recommends that government go further on this. The Province's own Housing Affordability Task Force recommended the government:

"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."

***The OAA recommends the government consider opportunities to further intensify urban areas.***

More efficient use of this already-ample land will limit or completely mitigate adverse environmental impacts, as well as support healthy, livable communities where people can live, work, learn, and play.

The provincial government is currently poised to make a big impact on housing affordability. The growth in supply should be supported by growth in services and amenities to enable and support healthy, sustainable communities.

### **Conserve Local Conservation Authorities**

Since the spring of 2020, jurisdictions around the world have been forced to work together in unprecedented ways to solve a global crisis: the COVID-19 pandemic. Global powers have begun to address not only this crisis, but others as well. Most notably, those seeking to raise awareness about the climate change emergency and need for social justice have been given platforms, making significant headway to gain understanding and seek solutions from diverse stakeholders all over the world.

As the regulator of Ontario's architecture profession in the public interest, the OAA published its five-year [strategic plan](#) earlier this year with two important themes: "climate action" and "equity, diversity, and inclusion." It has committed to applying these two lenses to all the work it does, and urges the government to do the same.

OAA supports government's proposal for a single set of rules to govern all 36 Local Conservation Authorities. This measure will result in increased predictability about these important groups' powers and will help reduce red tape and improve efficiency.

However, the OAA is concerned about government's proposal to remove the need of the expertise of Local Conservation Authorities to review development proposals. The [Intact Centre on Climate Adaptation](#) estimates the average cost of a basement flood to a homeowner is \$43,000. If passed as currently written, Bill 23 will repeal the regulations that allow Local Conservation Authorities to directly oversee the development process. The Authorities would also be compelled to give up any land they hold if the government determines it is suitable for housing.

One primary role of the Local Conservation Authorities and their regulations is to prevent development on floodplains—the associated risk with such development is only becoming more evident as severe weather events increase in frequency. Any effort the government makes to increase housing supply in Ontario should be complemented by environmental risk mitigation, and not come at the expense of it.

***The OAA strongly recommends the government remove its proposal to limit the powers of Local Conservation Authorities to weigh in on development proposals, especially in floodplains and other ecologically sensitive areas.***

### **Preserve Built Heritage**

Built heritage supports tourism opportunities, well-paying jobs, and economic development across Ontario. As such, any measures taken to amend or change the *Ontario Heritage Act* (OHA) must further protect the built environments contributing to a sense of place in communities throughout the province.

The OAA is very concerned about the proposed amendments to the OHA and strongly recommends the government strip them from Bill 23. As noted by the Architectural Conservancy of Ontario (ACO), two proposals are particularly concerning:

1. Forcing communities to drop “listed” properties from their Heritage Registry if they are not designated in two years; and
2. Requiring the standard for heritage designation of properties be hiked from one of Ontario’s heritage criteria to at least two.

The OAA echoes ACO’s concerns that these proposals do not contribute to improving housing affordability. Further, if passed, they will erode Ontario’s built heritage by making it practically impossible to preserve certain structures.

The deciding factor to demolish a structure generally appears to be a lack of political will and a lack of appreciation for the architectural and cultural significance of these structures. Our first response should not be to condemn buildings that have been compromised.

Further, the OAA and its members across the architecture profession stand ready to work alongside government, lending expertise to decision-making processes around historically significant buildings and a clear definition of what is meant by “heritage.” Ontario has the opportunity to protect our built and environmental heritage, save and create jobs, and help grow local economies throughout the province.

***The OAA recommends that government clarify its definition of what “heritage” is, what needs to be preserved, and what incentives are available to owners to facilitate that preservation.***

### **Protect Rental Housing**

The OAA is very concerned about the government’s proposal to target municipal rental housing replacement policies, thus paving the way for their alternation or removal. In a time of significant housing affordability challenges, the Association finds this proposal to be completely inappropriate. It will instead have the effect of destabilizing the housing system and urban economies across Ontario.

As noted by the [Tower Renewal Partnership](#), “By enabling demolition and redevelopment of apartment housing without recourse, Bill 23 will cause immediate housing instability for renter households throughout Ontario. [It will] remove housing options for key workers; lead to homelessness for those of low income; and remove the ability of newcomers to migrate, establish themselves, and ultimately invest through an erosion of attainable homes.”

Wherever possible, the OAA strongly recommends deep energy retrofits over demolition and replacement of existing buildings—especially in the case of housing. The Canada Green Building Council (CaGBC) estimates about one-third of greenhouse gas emissions come from built environments where people live, work, and play. In the case of large municipalities, estimates are much higher. The City of Toronto, for example, estimates that 55% of its greenhouse gas emissions come from buildings.

Purpose-built rental buildings born out of the 1960s and 1970s housing boom have come to a critical age where deep energy retrofits are required to make them

sustainable longer. Since “they are the [backbone of rental housing](#) in [Ontario],” there is a public imperative for government to support and incentivize their revitalization.

The OAA is very committed to the value of deep energy retrofits. When faced with aging systems inside its own headquarters building, the Association had to decide between rebuilding, relocating, or retrofitting. Having chosen the third option of renovating, its Renew + Refresh project aims to achieve a low-energy building standard to meet the 2030 Challenge, including a 70% energy use reduction that was achieved upon the reopening of the building in May 2019 and a 100% reduction by 2030.

***The OAA recommends the government invest in tools to support owners and public entities in deep energy retrofits of aging purpose-built rental buildings to facilitate the longevity and sustainability of existing rental housing, instead of establishing policies diminishing existing stock across the province.***

#### **Fix Site Plan AND Mitigate Unintended Consequences**

The OAA is encouraged by government’s proposal in Bill 23 to restore the Section 41 design exclusions in the *Planning Act*. Since 2006, the Association has cautioned 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*).

However, while the OAA believes architectural details of a proposal ought to be left out, it maintains that Site Plan Control plays a key role in validating the public realm and sustainability elements of a project. Indeed, Site Plan Control is about creating and maintaining the public realm—areas that are an extension of the built environments within them.

Professional planners have rightly opined that landscape details and building materials close to the public realm ought to be considered during Site Plan. After all, landscaping (and streetscapes more generally) can contribute to the development of a high-quality public realm. Moreover, in the grand scheme of new building development, landscaping materials are generally not that expensive and can have far-reaching positive environmental and visual impacts.

***The OAA recommends a carve-out be created in Section 41 of the Planning Act to ensure landscape and streetscape materials can be confirmed via Site Plan Control.***

According to an Osler, Hoskins and Harcourt LLP [black-line review](#) of the proposed amendments to the *Planning Act*, Section 41 amendments to restore the design exclusions include: “matters relating to exterior design, including without limitation the character, scale, appearance and design features of a building, and their sustainable design...”.

***The OAA strongly recommends sustainable design requirement be integrated in the Ontario Building Code via the implementation of an energy step code, rather than enforcing energy efficiency via site plan.***

With building code consultations currently underway, Ontario is uniquely positioned to use this time of great change to introduce an energy step code into the province-wide

Building Code. Rather than reinventing the wheel, the province should strongly consider adopting the Toronto Green Standard as a reference code that could be included in the code and be adopted by municipalities on a voluntary basis. The built environment is a key contributor to greenhouse gas emissions, and has a significant role to play in achieving the province's 2030 emission reduction targets.

In the meantime, energy efficiency standards currently in place—such as the Toronto and Whitby Green Standards—should NOT be lost. Instead, the OAA echoes The Atmospheric Fund's recommendation to "...provide a carve-out for green development standards with the proposed changes below:

- Amend Bill 23 by deleting in Schedule 1 "(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed" and delete in Schedule 9 "(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed"
- Instead replace those two sections with the following wording in both:
  - (d) matters relating to sustainable design if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality;
- This would still reduce the scope of site plan approval processes as per the bill's intent, as illustrated below in comparison to the existing wording in both acts:
  - (d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality[.]"

Objective, tiered performance metrics help everyone understand energy use in buildings, and position Ontario to achieve its 2030 targets. Municipal green standards are an important step in this—OAA members call the Toronto Green Standard one of the most effective tools available to pitch climate considerations to their clients. However, enshrinement of these standards in the Building Code will ensure application and acceptance of the standards consistently across Ontario.

### Conclusion

The OAA enjoys a longstanding, collaborative relationship with the provincial government. On behalf of the Association and Ontario's architecture profession, I look forward to continued work with this Committee to ensure the public interest is protected and promoted through the development of Bill 23, *More Homes Built Faster Act, 2022*. Please do not hesitate to contact the Association if you require additional information or clarity.

Sincerely,



Susan Spiegel, Architect  
OAA, FRAIC  
President