



Ontario Association of Architects

May 31, 2019

Via email

The Honourable Steve Clark, MPP
Minister of Municipal Affairs and Housing
College Park 17th Floor, 777 Bay St
Toronto, ON M5G 2E5

Dear Minister,

The Ontario Association of Architects (OAA) welcomes the opportunity to comment on Bill 108: *More Homes, More Choice Act*. The Association supports the Government's focus on addressing housing affordability and believes that this legislation represents an important move in the right direction.

The OAA has long been invested in improving housing affordability across Ontario and has explored architectural and land use planning solutions to address it. In the OAA's recent [report on Housing Affordability](#), a distinction is made between "affordable housing" – lower income housing needs that are eligible for federal and provincial subsidies – and "housing affordability" which refers to the affordability of rented and owned homes across incomes. Although affordable housing is a very important cause, this letter will be focusing on the broader issue of housing affordability.

Development Charges

The OAA applauds the Government's proposal to determine development charges at the outset of an application process, as described in Schedule 3 of the proposed legislation. Predictability of costs is important to all stakeholders, including end users, and it supports the creation of more housing by allowing architects, builders and developers the ability to forecast their overall costs on a given project and plan accordingly.

Simplifying the Approval Process

The OAA noted with great interest, that the proposed legislation is an attempt to simplify the development approval process as described in Schedule 12 of the proposed legislation. Quite rightly, the Government's Housing Supply Action Plan describes a current, highly complex system that requires multiple approvals and often results in duplication of work, unnecessary charges and major time delays in getting housing approved for construction. The OAA believes that plans laid out in the proposed legislation are a good start; however, they do not go far enough.

The OAA recommends simplifying the development approval process, the associated red tape and costs, by fixing Site Plan Approval (SPA) in Ontario. In 2013, the OAA commissioned Altus to undertake an independent study of SPA. The report, [A Review of the Site Plan Approval Process in Ontario](#), studied a 100-unit condominium building and a

50,000 square-foot office building. It found that, as a result of inefficient SPA, significant costs were imposed on end users. In the case of the condominium building, for example, the total cost to all stakeholders, including government, was estimated between \$396,500 and \$479,800 per month. This report identifies a series of recommendations to reduce the delays and costs associated with the current SPA system.

While the report was widely lauded in professional and policy circles at the time of its release, it left an important question unanswered: How much is this all costing the government? Since the project-specific analysis done in 2013 did not address this, the OAA engaged Altus again to provide another independent study. This report, [Site Plan Delay Analysis](#), released in July 2018, quantified the effects of site plan delays and found a staggering provincial cost of at least \$100 million per month Ontario-wide. As we know, the average time for SPA is six months or more, and the total cost of delays was found to be as much as \$900 million per year in Ontario. Though astounding as it is, this estimate is likely understated due to Altus' conservative interpretation of building permit data that is subject to SPA and the OAA believes the figure is likely in excess of one billion dollars annually to the Province of Ontario.

The OAA was pleased to see part of our SPA recommendations incorporated into Schedule 10 of Bill 66. Unfortunately, as Schedule 10 was removed, the issue remains outstanding.

The OAA has recommended critical reforms on SPA to the provincial government since as early as 2012 and, as recently as March 12, when I wrote to you presenting updated recommendations to improve SPA in Ontario. We believe that simplifying the development approval process is a significant step in addressing the broader issue of housing affordability and we believe that this can best be achieved by fixing Ontario's broken SPA. On October 1, 2018, OAA representatives had the pleasure of meeting with MPP Donna Skelly, Parliamentary Assistant to the Minister of Economic Development, Job Creation and Trade. At that meeting, Ms. Skelly requested that the Association issue our own recommendations on how to solve the SPA crisis. The OAA recommends:

1. **Restoring Section 41 exclusions of the *Planning Act*** – By restoring these exclusions, planners can focus on technical issues related to the public realm. This will not only reduce costs, it will also encourage investment on the residential, commercial and industrial side. Additionally, it will have the benefit of speeding up the review process by freeing up more of a planner's time to review site plan applications.
2. **Increasing accountability to the public** – While the requirement for architectural recognition is currently in place in the City of Toronto and other municipalities are actively seeking to adopt similar provisions, there has been some discussion about whether municipalities have the statutory authority to require this as a condition of SPA. As such, the OAA recommends that the statutory authority for architectural recognition be formally integrated into the *Planning Act*.

3. **Setting and enforcing a new timeline** – Efforts to expedite the approval process have little effect without adequate enforcement mechanisms. Currently, municipalities are compelled to issue a decision on site plan application within 30 days under Section 41(12) of the *Planning Act* though this deadline is widely disregarded in municipalities throughout the province. The OAA looked to language in the Ontario Building Code that deems an application approved if the municipality fails to render a decision. Based on this, the Association proposes that approval or refusal must be issued in writing on or before the 30th day. By this deadline, a failure to approve or refuse to approve will result in the application being deemed approved.
4. **Adjudication** – The above changes will solve all situations with the exception of when a municipality refuses a resubmission by putting in writing that the applicant has failed to resolve the deficiencies identified in the first submission. In this situation, the OAA believes that the *Planning Act* should be amended to allow for an appeal to be made not only to the LPAT (as is currently written) but also before an independent adjudicator. The costs associated with the independent adjudicator should be borne by the applicant unless a determination is made in the applicant's favour. In this case, the costs should be borne by the municipality. Applicants should be limited to one resubmission.

To learn more detailed information about the OAA's recommendation to fix Ontario's broken SPA, please review the [recent submission](#) we sent to you on March 12.

Increasing Supply

The OAA agrees with Government that increasing supply as described in Schedule 12 of the proposed legislation can help to address the housing affordability crisis in Ontario. In particular, the OAA supports the "Additional residential unit policies". In our 2018 report on housing affordability, it is recommended that densities in neighbourhoods, corridors and centres correspond with the Provincial Growth Plan 2017. This model contemplates increasing as-of-right height limits in all three areas throughout municipalities across Ontario. By increasing the maximum height from three to four storeys in buildings situated in neighborhoods, for example, densities in those areas can increase by as much as 35% according to the report.

The OAA recommends that the Government apply the tailor-made-for-Ontario land use planning approach to increasing densities, and therefore housing supply, throughout municipalities in Ontario.

The OAA is also encouraged by the Government's discussion about freeing up public lands as another way to increase housing supply across Ontario. This is also explored in our Housing Affordability report and *we recommend that public lands be made available through development RFPs*. Furthermore, Government should be mindful about other factors, such as environmental sensitivities and existing community uses, when selecting public lands to make available for development.

Changes to the Local Planning Appeal Tribunal

The OAA applauds the proposed changes to the *Local Planning Appeal Tribunal Act, 2017* as described in Schedule 9. In particular, the OAA is encouraged to see that the addition of more adjudicators and resources to support them is contemplated in the proposed changes.

In 2017, the OAA responded to the consultation on the *Building Better Communities and Conserving Watershed Act* and expressed its continued support for an independent review tribunal to resolve planning disputes.

As you are likely aware, architects play a critical role in the land use planning system and have extensive experience appearing before the Ontario Municipal Board and Local Planning Appeal Tribunal. Based on their experiences, OAA members believe that an independent review tribunal is important because it offers a final decision, exists outside of the political sphere, provides adequate time to make a case, offers decisions that consider multi-disciplinary factors, encourages compromise, relies on expert opinions, and allows for analysis of policy-first principles.

While our members are favourable of an independent review tribunal, their experiences suggest that any such tribunal in Ontario can be improved with the addition of more adjudicators (especially from architecture, planning, urban design and heritage professions), additional resources to support them, and training to increase their capacity.

The OAA is the licensing body and professional association for Ontario's architects. Established under the *Architect's Act*, it is the mandate of the OAA to regulate the practice of architecture to ensure that the public interest is served and protected. The OAA has collaborated extensively with Government, and looks forward to continued collaboration as Bill 108 progresses.

Sincerely,



Kathleen Kurtin, Architect
OAA, FRAIC
President

