



Ontario Association of Architects

June 5, 2019

Via email

Mayor Fred Eisenberger
City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, Ontario
L8P 4Y5

Dear Mayor Eisenberger,

On behalf of the Ontario Association of Architects (OAA), I would like to thank you for your letter of April 4, 2019 (C19-006). As the self-regulating body for the profession of architecture in Ontario, the OAA governs the practice of architecture and administers the *Architects Act* in Ontario in order that the public interest may be served and protected. It is for this reason that I write to you today.

On April 17, the OAA convened a roundtable of design review panel (DRP) members and architecture, urban planning, landscape architecture and development industry professionals to discuss the OAA's proposed changes to the *Planning Act*. The roundtable appeared unanimous in their belief that the site plan approval (SPA) process in Ontario is broken. The broken process is leading to increased costs and time delays that are ultimately borne by members of the public. It is in the interest of the public to have an efficient, predictable and accessible SPA process and it is for these reasons that the OAA wrote to the Minister of Municipal Affairs and Housing with a plan to improve the SPA process.

The OAA is advocating for the restoration of exterior design exclusions to the *Planning Act* because the *Architects Act* entrusts the design of buildings to the architectural profession. The *Architects Act* states that the practice of architecture is "the preparation or provision of a design to govern the construction, enlargement or alteration of a building" and that no person can engage in the practice of architecture unless they are licensed under the *Architects Act*. It is important to note that the OAA has not proposed to change in any way a municipality's ability to comment on bigger picture issues related to the exterior design including "the massing and conceptual design of the proposed building" (emphasis added), but rather to eliminate protracted disputes over elements such as the colour of doors that in no way affect public safety. At the roundtable, even planning staff in attendance decried the aforementioned as an abuse of process yet these are actual examples being reported in to the OAA. It is also important to note that the OAA unequivocally supports the work of DRPs.

The recent cancellation of the Gore Park hotel project is an unfortunate example of where the SPA process has cost your municipality a development opportunity and the associated positive economic impact of jobs and tax revenues that would have gone along with it. The OAA acknowledges that the City may have found some aspects of the design contentious but looking at the bigger picture, this is yet another example of where the SPA process has killed a project. Situations like this, where projects are delayed for years or cancelled altogether, negatively affect the province and the economic success of Ontario. Examples like this reaffirm exactly why the OAA wrote to the Minister of Municipal Affairs and Housing and why it is recommending changes to the SPA process.

The foremost objective of the OAA's submission was to radically improve timelines while not sacrificing the quality or safety of the built form. The timelines proposed in the submission were aimed at making Ontario more competitive versus other competing jurisdictions, but it is important to note that even with the significantly expedited timeline, Ontario is still not competitive—SPA would continue to take nearly as much time as other jurisdictions take for their entire building approval process.

According to the World Bank Group, the number of days to obtain a building approval in the United States is 81 days and 82 days in Mexico versus Canada's 249 days. If Ontario wants to remain competitive in light of The Canada-United States-Mexico Agreement (CUSMA), these are externally set targets Ontario should strive to meet. The World Bank Group also contrasts Canada's 249 days against the 153.1 days taken on average by Organisation for Economic Cooperation and Development (OECD) high income countries.

The OAA delved deeper into this report, examining Canada versus countries who achieve a comparable building quality score as we in no way aim to sacrifice building quality for expediency. Sorting this subset by time, Canada ranks 39 out of 42 (versus an average of 153.7 days). Sorting by the G7 countries, Canada falls last versus an average of 161 days. No matter the measure, Canada and Ontario are not competitive and SPA is the main culprit of delays, accounting for roughly 73% of the total time. Small tweaks will not be enough to get back on track.

Restoring the design exclusions was only one component of the OAA's proposal, but was a measure the OAA believes will help expedite the process without compromising building quality or safety in any way. In the OAA's estimation, this would help provide planners with more time to focus on critical issues such as the larger conceptual design and the interaction between the building and the community around it.

Barring the OAA's submission, if the City has a bold proposal to radically improve SPA approval timelines we will look forward to seeing the City advance that to the Province. Again, if the proposal is to be realistic, the target set by CUSMA competitors is roughly 80 days to achieve a building permit. By the more relaxed measure (OECD or G7), the proposal would still need to shave off nearly 100 days from the process.

The OAA enjoys a longstanding collaborative relationship with municipal governments across Ontario and looks forward to working with you on this and other important issues. Thank you once again for your letter and please do not hesitate to contact me to discuss this matter further.

Sincerely,

A handwritten signature in cursive script, appearing to read "K. Kurtin".

Kathleen Kurtin, Architect
OAA, FRAIC
President

