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**Official Report  
of Debates  
(Hansard)**

**Wednesday 27 April 2005**

**Journal  
des débats  
(Hansard)**

**Mercredi 27 avril 2005**

**Standing committee on  
general government**

Places to Grow Act, 2005

**Comité permanent des  
affaires gouvernementales**

Loi de 2005 sur  
les zones de croissance

Chair: Linda Jeffrey  
Clerk: Tonia Grannum

Présidente : Linda Jeffrey  
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 27 April 2005

Mercredi 27 avril 2005

*The committee met at 1550 in room 151.*

**PLACES TO GROW ACT, 2005**

**LOI DE 2005 SUR  
LES ZONES DE CROISSANCE**

Consideration of Bill 136, An Act respecting the establishment of growth plan areas and growth plans /  
Projet de loi 136, Loi sur l'établissement de zones de croissance planifiée et de plans de croissance.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're here today to resume public hearings on Bill 136, An Act respecting the establishment of growth plan areas and growth plans.

**Ms. Marilyn Churley (Toronto–Danforth):** Madam Chair, before we begin with the depositions, I have a motion to make, which I will hand out to people. I'll read it first and then explain. Sorry. I'm out of breath from running. I shouldn't be.

This is a motion to the standing committee on general government:

I move that this committee formally recognize all witnesses as equal participants and assure them their presentations before committee are taken with the seriousness and sincerity with which they bring them to us, and that we strongly denounce attempts, as documented in the letter to committee members from the law firm Davies Howe dated April 26, 2005, to unduly influence committee members in their deliberations regarding Bill 136, and to discount the testimony of certain witnesses, namely the Bond Head Bradford West Gwillimbury Residents for Responsible Development.

I'm still out of breath here. I need a glass of water. I don't know if all committee members were sent the letter. Madam Chair, has this letter been given out?

**The Chair:** Yes.

**Ms. Churley:** It's been circulated. The letter is to all the committee members. It's from Davies Howe Partners, Michael Melling. It is a letter talking about the organization that was here on Monday giving a deputation on the Bond Head situation. I consider the letter to be, if you read through it carefully, a bullying letter, denouncing a bona fide group that was before us with their own information and their own take on the situation in south Simcoe. I consider some of the language in the letter highly unusual and threatening; perhaps if not threat-

ening, it's at least bullying, saying, for instance, that, "Mr. Trow's group made up the whole concept in an ill-considered, disingenuous scheme," and that kind of language.

It's a free country. There's nothing to stop this law firm from providing a letter like this to the committee, but I made the motion in response to that letter so that all members of the public who come before us to give depositions understand that this committee will not be unduly influenced by any group and that we will not be discounting the testimony of the Bond Head group because of this letter. I'm hoping people will support me on this motion.

**The Chair:** Any discussion?

**Mr. Lou Rinaldi (Northumberland):** I understand Ms. Churley's concerns, but I still think we live in a democratic society where I believe everyone has a right to freedom of speech, if they're within the constraints of any circumstances. I really feel that even though I support what Ms. Churley is saying, I don't think it's necessary to pass a specific motion and, if anything, it sort of reverses in the other direction. So I'm not prepared to support the motion.

**Ms. Churley:** I know we want to get on with the witnesses. Exactly: I said, it's a free country. People can provide this committee with any information they choose.

I've also just put out a press release about an incident that happened last night—a developer offers town council cash to build sewage capacity in the area. This all unfolded at about the same time a secret meeting, as I understand it, was held last night. So I'm very concerned about the letter that was sent to this committee and the timing around the incident last night.

My motion is certainly not telling people they can't write to the committee. But because of the language in the letter, I thought it was important for this committee to reinforce that we will not be unduly influenced by this letter in our deliberations and we will not discount the testimony of any witnesses, despite others—law firms—sending us letters calling them disingenuous and some other things.

I put it forward to have on the record that anybody can send us any information they want, but that we are committed to being fair to everybody. Nobody should feel that this committee's getting a letter from a law firm is going to influence in any way our determinations, our

position and our belief of any other group that comes before us. It's just an important affirmation, and I would appreciate support. I expect that the Bond Head group that is being targeted in this letter would appreciate it as well.

**The Chair:** Any further discussion? Seeing none—

**Ms. Churley:** A recorded vote, please.

#### Ayes

Churley.

#### Nays

Duguid, Lalonde, Qaadri, Rinaldi, Smith.

**The Chair:** That vote is lost.

#### MILTON RURAL RESIDENTS ASSOCIATION

**The Chair:** Our first order of business is our first delegation. We have one cancellation at our 4:30 spot. We have to move fairly quickly, committee. I believe there's a vote at 10 to 6 tonight, so we have to try to get as many delegations in as we can.

Our first delegation is the Milton Rural Residents Association. Welcome. We have your submission here. After you've introduced yourself and the group you speak for, you will have 15 minutes. I'll begin timing you after you introduce yourself. If you leave time, we'll have a chance to ask questions.

**Dr. Lieven Gevaert:** My name is Lieven Gevaert. I represent the Milton Rural Residents Association. This is an association that is approximately two years old and is a kind of good-government watchdog in the county of Halton, focusing on the town of Milton. We have approximately 150 to 200 members. I was chosen to make the presentation today.

First of all, I want to thank you for allowing the association to speak through me. My address will take the following form: (1) the methodology I used, (2) the summary, (3) the recommendations.

I am going to spend very little time on number 4, in the interest of time, but I'm quite prepared. If you want to ask any questions on number 4, go for it.

The methodology I used was that the presentation's comments are based on Bill 136 and also Places to Grow. They're very similar in most places. The comments are also made keeping in mind the sister bill, as we call it, Bill 135, because as far as we're concerned, these are joined bills.

In summary, I have 10 items, and then I have recommendations.

(1) First of all, the bill and the Greenbelt Act are significantly different in tone regarding the protection of the citizens of Ontario compared to all other legislation in Ontario. The reasons for that are, first, that there is no appeal process in Bills 136 and 135, and that is stated in

subsections 10(3) and 15(1), (2), (3) and (6) of the proposed bill. Secondly, the minister is exempt from Bill 136 and Bill 135 whenever the minister wishes. I believe that is stated in subsection 18(1). Thirdly, there is no protection for citizens under the Statutory Powers Procedure Act, of which I know a little, but I am certainly not in detailed command of that understanding.

(2) There are no financial comments in Bill 136, which are needed to accomplish the goals of Bill 136.

(3) The goals of the province suggest building on community priorities. That's in clause 1(b). Unfortunately, community priorities and provincial governmental priorities are very divergent. Community principles are very much driven by local resistance or local non-acceptance, which can be summarized as the NIMBY philosophy, the not-in-my-backyard philosophy.

#### 1600

(4) There are no details on the "efficient use of infrastructure" nor are any funds allocated for the efficient use of infrastructure.

(5) Bill 136, like Bill 135, centralizes provincial power dramatically. Look at section 4 specifically and look throughout the bill to see that notion very clearly. The question that may come to mind is, are municipal governments really needed in view of the shift of power from the municipalities to the provincial government?

(6) In Bill 136, there are no timing and ratio guidelines for the building of houses and employment land facilities. This results in an ever-increasing spiral of municipal taxes. I'll give you an example. In Milton—where I live, by the way—tax increase projections are 3% to 5% per annum for the next 10 years. Prior to the housing boom in Milton, the tax history was zero increase for at least seven years, with no additional deficit spending or bond creation. House building has outstripped employment land use by a very large, unhealthy and unsustainable margin.

(7) Affordable housing is, in our opinion, a mantra and not a reality. The greenbelt has further increased housing prices—and the quantitative details abound—and has leapfrogged housing outside the greenbelt—and those details abound. Affordability has become more difficult, period.

(8) There will be existing approvals or permissions that exist that need to be grandfathered. That's alluded to in subsection 17(3).

(9) There is confusion on which act takes precedence and when. That's section 19. I'm not a lawyer, but I certainly have difficulty with, at what time does which act have precedence over what act?

(10) The not-in-my-backyard attitude is definitely at odds with the provincial philosophy of urban densification. Urban densification can ensure that there is no rural land taken for housing—based on some studies—for the next 20 years. There are urban citizens who would want to densify for the good of society. They may have an underutilized lot which they would like to separate so that further housing could be built on the separated part of the lot.

The last one, which I didn't write down, is that in 6(d) of the act there are a lot of points that should be reviewed. Some of them are not in accord with the planned Places to Grow or the greenbelt. I'll give you one example. One of the items talks about municipal waste management—no detail. It would seem to me that the tenet of municipal waste management must be that whoever creates the waste must manage the waste, and there are technologies available that can accomplish that.

Let's go to the recommendations.

(1) Bills 135 and 136 need to be modified so that there is citizen protection under which all previous legislation has been so designed. I'm sure that, as our legislators, you are well aware of that.

(2) Financial goals must be included in Bill 136 so that there is some clarity about the tools to implement Bill 136.

(3) The province needs to put a plan in place to remove the community priority of local resistance. Without such a plan, the bill's crown jewel, urban densification, will not succeed.

(4) A commitment must be made to implement efficient infrastructure, with "efficient," including the minimization of environmental damage and the minimization of the use of transportation energy. Nowhere in the bill do I see, for example, a commitment to rail infrastructure, and I think it should be part of Bill 136 somewhere.

(5) Before the bill becomes law, the results of centralization need to be carefully reviewed, studied and made clear to municipalities and the public. Our guess is that were that study to be done, the increase to the taxpayer—and, by the way, there is only one: me and you—of this duplicative set of methods is going to be dramatic.

(6) There should be guidelines in Bill 136 for housing and employment land ratios, and if those ratios are not met, as I've said in section 4, there should be an action taken to either slow down the rate of building housing or stop it for a while, or to increase the employment land to ensure that there is continued sustainability, rather than the ever-increasing realty tax increases.

(7) An analysis of affordable housing must be done, and changes should be made to Bill 136 and any other bill or act so that there is at least an assurance that affordable housing for all Ontario citizens is possible.

(8) Grandfathering situations for individuals must be used in Bill 136 so that there's no obvious injustice done to those individuals from previous actions or regulation.

(9) Before Bill 136 is finalized, the layering of priority of 136, 135 and the Planning Act—the more stringent bill takes precedence, etc.—really must be clarified. We have great difficulty when you phrase that. I have great difficulty understanding which is which.

(10) Bill 136 should include a process where an individual could divide his or her lot for densification. The bill should instruct municipalities that bylaws that would obstruct densification must be modified. This should be done and can be done quickly. There should be little problem doing this because, as I understand it, there

would be no zoning changes required in order to achieve this.

I'm going to stop now in the interest of time, and I welcome any questions. Thank you very much for listening to me.

**The Chair:** You've left about a minute and a half for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I'm just wondering, based on what you had to say, what kinds of—I guess always in these land use changes that come forward, you need to look at carrots and sticks in terms of making it work. What would you suggest is needed in the form of carrots?

**Dr. Gevaert:** Well, I'm very glad you asked that question.

**Ms. Churley:** I bet you are.

**Dr. Gevaert:** You bet I am, too. I guess if you treat this bill a little differently or separately from the Greenbelt Act, you will see some significant differences between the sticks and the carrots. Let me give you a couple of examples.

First of all, if a person wanted to densify, there would be a benefit to that person. Let's assume he has a lot that is 40% used by the house and garage and 60% unused, and let's assume he says, "You know, I could do that." In the process of separating his lot, he would receive some income. That's a carrot. It would also meet the goals of Bill 136 in allowing densification in a presently urban area where it would be the most efficient. That's one example.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** You referred in the summary, number 6, that this could result in a tax increase to the city of Milton. I was just told that the city of Milton does have development charges. With the way the economy and the cost of living are going, anybody at the present time who is not looking at a tax increase on a yearly basis, unless they have a huge commercial or industrial development—there's no way anybody could figure or plan on decreasing or freezing a tax rate unless they freeze the salaries of all the employees and also freeze employment.

At the present time, this bill will permit municipalities to do good planning for forecast growth. This is to help all municipalities in the future growth of municipalities. It's part of the bill.

I don't know what your answer would be. Are there development charges in Milton?

1610

**Dr. Gevaert:** Thank you for that question. I was lucky—or unlucky—enough to be on Milton council in the late last century, so I am significantly aware. The development charges for new housing in Milton are in the order of \$6,700 per house. This is between 60% and 90% of the requirement for services that each house demands. The reason for that not being 100% is because that was instituted by law some time in the past.

Secondly, the development charges obviously can alleviate to an extent what the tax increases are, but by practice, from 1993 until 2000—and Milton at that time

had not been forced into a boom—there were no tax increases in Milton, no additional debt instruments, no additional bonds, and we, the residents of Milton, both rural and urban, were mighty pleased with how that was done. Since 2001—and I still pay taxes in Milton—taxes have gone up between 3% and 4%, and Milton council's future look in the budget, up to 10 years from now, is 3% to 5% per annum every year. The major reason for that is the imbalance of new houses built in Milton compared to employment lands.

I'm asking you, the standing committee, to make a recommendation which clearly adds that there must be a guiding principle on ratios between houses and employment lands, and there must be some method of slowing down or speeding up either the house building or the employment building. That's all I'm asking.

**Mr. Tim Hudak (Erie–Lincoln):** Dr. Gevaert, it's good to see you again, and thank you for your presentation. I think members know that Dr. Gevaert was a very strong—he put a lot of energy into the greenbelt legislation. It didn't meet with the success he had hoped for, but he was a very passionate critic of many aspects of Bill 135.

With respect to Bill 136, two questions, if I could: First, if we want consumers or homeowners to choose to live in intensified areas more than they are today, how do we do so? What kind of incentives would be necessary, or would people naturally choose that?

Secondly, you talked later in your presentation, in section 11, about the hearing officer, and you make some strong comments about the lack of accountability around hearing officers. How would we remedy that through the legislation?

**Dr. Gevaert:** Remediating the first one, I think, is a long-term process. I look at it as a process which is equivalent to the process that was used to decrease drinking and driving. When I was young, it was nice to be able to drink and drive. When my daughters go out, (a) they have a designated driver, and (b), if they can't drive, they call dad or mom to pick them up. That was not accomplished in one day; it was accomplished probably over 10 years, but it was a total mindset change. The second mindset change is cigarette smoking. There is a mindset change. All I'm saying is, for urban people to accept this philosophy, there's going to have to be a process of mindset change, and unfortunately I'm not the person who can give you chapter and verse.

On the second part, which is the hearing officer, your question was?

**Mr. Hudak:** How would you fix it? You have some concerns that it's arbitrary.

**Dr. Gevaert:** It's very arbitrary and it can't be fixed just by the hearing officer. That whole section needs to be fixed, because the hearing officer is just the pawn. The fact that he has absolutely no responsibility is kind of like Pontius Pilate saying, "I am innocent of what I'm about to do," and that's not appropriate. It's more than just the hearing officer himself and what he is asked to do.

**The Chair:** Thank you very much. We appreciate your being here today, and your passion.

#### PRESERVATION OF AGRICULTURAL LANDS SOCIETY

**The Chair:** Our next delegation is the Preservation of Agricultural Lands Society.

Welcome. We have your submission in front of us. When you begin, could you identify yourself and the group you're speaking for? When you begin, I'll begin timing you. You'll have 15 minutes.

**Dr. John Bacher:** I'm John Bacher, a researcher with the Preservation of Agricultural Lands Society. I'd like to summarize the key points in our brief.

First of all, we support the general thrust of this legislation. You have to compare what's proposed here with the planning framework as it currently exists in Ontario. Here we see an attempt to have a more stringent planning framework for the south-central Ontario region, which is experiencing the greatest growth pressures, than the framework that is for the Planning Act that governs the rest of the province.

In terms of the draft growth management plan, we indicate that we're particularly heartened by the language that says, "The expansion of a settlement area boundary will not be permitted in the natural system." This is in contrast to the framework under the provincial policy statement, the Planning Act, which says that such expansions can be permitted through an environmental impact statement prepared by the developer. Our society recently had a horrible experience with such an environmental impact statement, where the developer maintained that the clear-cutting of seven acres of a forest was permitted as a forest management technique to prevent the spread of disease to other existing forests, which shows you how absurd and misleading these studies can be.

In terms of the concern we had in reading the documentation regarding this growth management plan that will come into existence after the act is passed, what really stunned me upon reading it was that there was recognition of the value of conservation easements to protect natural areas, but nothing about these benefiting the protection of agricultural areas. As I show in my brief, this seems to have the idea that we can protect relic natural areas and have urban development in the surrounding agricultural areas.

What I would like to point out is that in 1994 there was a program for conservation easements in the Niagara fruit belt, which were termed restrictive covenants. Unfortunately this program was cancelled in 1995, on the day the cheques were to go out to the farmers. These programs did not just mean—we hear the term "compensation." What this is is a targeted tool to complement land use planning. It can be used to enhance the permanence of urban boundaries. That is the way it would have been used in Niagara. The point system for these easements would have given the priority for conservation

easements right on the urban boundary. We're suggesting that, although certainly we would see that in Niagara where the planning legislation recognizes the permanence of the urban boundary, it should be a priority to have a program like this. It would serve throughout south-central Ontario. Where there are urban boundaries, to make them permanent would certainly be helped by a program such as this.

**1620**

After I prepared my brief, I was quite pleasantly shocked yesterday to see the Economist magazine. If you note, they have a fascinating article where they talk about how New York City has spent \$250 million on conservation easements to protect its water supply. They saved billions of dollars. If this hadn't been done, the water would have been polluted and they would have had to spend billions of dollars on water treatment facilities.

One other point: The previous speaker seemed to say there was a problem of a shortage of industrial land. In our experience, there has been a severe over-zoning of industrial land, which has really been the biggest factor encouraging sprawl. The land supply tends to be more reasonable for housing where you get over-zoning like seven to 10 times the amount of land. This is something the committee should be aware of, because there seems to be a lot of folklore out there that's not substantiated by hard research about industrial land disappearing.

I hope to get to the questions. I just tried to highlight what I thought were the most important parts.

**The Chair:** You leave about two and a half minutes for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you, Dr. Bacher, for your presentation. I want you to elaborate more maybe on an issue you brought up during your presentation. You talk about the protection of the agricultural system, whether it be in the Niagara region or other regions. What would be of benefit to your group, I guess, or how could your group best benefit—what type of tools would you like to see as we try to manage growth to better protect that agricultural land outside of the greenbelt, which is already protected?

**Dr. Bacher:** The best way, I think, is to recognize that the urban boundaries are big enough and to have that be sort of the cornerstone, and have other tools such as conservation easements that will make this more politically acceptable in the farming community. That's sort of it in a nutshell.

**Mr. Rinaldi:** I guess I was looking for more specifics. One of the comments we get many times is that we're not specific enough in legislation. People want to see more detail. I share your concern that we need to protect agricultural land, and we've done that through the greenbelt legislation to a certain extent, because we manage growth. As you are aware, Bill 136 goes beyond the greater Golden Horseshoe, I guess enacting legislation that we can basically do the growth plan across Ontario. I guess I was looking for more specific ideas on how we can best protect agriculture as we move forward.

**Dr. Bacher:** Another idea I haven't mentioned is the concept of environmental payments for farmers. If farmers were paid for protecting streams, it would provide a benefit if fish, pike, can survive in a stream. To pay a farmer for doing that would have an impact so that they wouldn't feel so horribly burdened because they couldn't get a retirement severance.

**Mr. Hudak:** Thanks very much for the presentation on behalf of PALS. I appreciate the point about environmental payments. In fact, we from the official opposition brought forward an amendment to support that as part of the greenbelt legislation.

You talk about conservation easements as well. Give the committee some advice here. In order to actually make this plan and this companion legislation, the Greenbelt Act, success, what kind of investments does the province have to make to ensure their success? What would you prioritize? Or can it just be done by legislation alone?

**Dr. Bacher:** No, the legislation is only a component. We've talked about environmental payments for farmers, conservation easements. One problem, as I mention in the brief, is inappropriate transportation investments. This can serve to foster sprawl. In our society, we take the view that we should look at the expressway system in Ontario as adequate, and when we're planning in the future, we should invest that money in other types of transportation infrastructure that don't encourage sprawl. I think that is a good overview in response to your question.

**Mr. Hudak:** You also suggest on page 4 that the province should prohibit all urban expansions, I guess to their current urban boundaries. If the province were to do that, do they have a duty to support municipalities and pay the bills so they can't grow any more, or are you of the thought that it's sort of inconsequential and we should freeze the boundaries today?

**Dr. Bacher:** My view is that the boundaries are adequate. This is taken from the background paper, the growth management plan: "There is sufficient supply of unbuilt land within" existing "settlement areas ... to accommodate the majority of growth for approximately two development cycles." And that's not taking into account things like brownfield sites. When these various studies of adequacy of land are made, they don't look at the brownfield sites; it's all in terms of vacant land that's ready to be developed now. The sine qua non of being serious about stopping sprawl is to stop urban boundary expansions beyond the existing designated urban area. The astonishing finding of the Neptis Foundation was that if there was such a freeze, there would actually be very little increase in densities, because it would be so long before you got to that urban edge of zoning—20 years even.

**Ms. Churley:** As always, PALS' expertise and opinions in this area are very helpful. I wanted to ask you about an interesting component of your paper, and a controversial one, and that is the highway, the proposed mid-peninsula corridor—

*Interjection.*

**Ms. Churley:** Tim Hudak says, leave his corridor alone. Do you see what I mean? It's a highway.

I think it's fair to say that most of the deputants we hear from, both within the greenbelt and this, support it and give all kinds of reasons why it's needed. You take a contrary view, so I'd like you to expand a little on that. I'm sure you know the arguments of your neighbours, but why do you say there shouldn't be a highway built through?

**Dr. Bacher:** Thank you very much for that question. The strongest argument I heard against the highway actually came up in a public discussion about the highway in a government meeting. The argument for the highway was that urban densities would always be too low to support transit. I think this is very much a self-fulfilling prophecy. The whole rationale behind the highway is that urban boundaries will continue to expand. It works at cross-purposes to talk about growth management and have new expressways which will create the demand for urban boundary expansions.

**1630**

We see that the city of Hamilton has commented on this growth management plan. They want an expansion of Hamilton's urban boundary. They're the biggest supporter of the mid-peninsula highway. Expansions of the expressway system and urban boundary expansions are always connected.

There are European countries that have moved away from auto dependency, where there's actually a smaller percentage of trips today in cars than there was in the 1970s. All those countries, like Denmark, Austria and the Netherlands, have chosen not to build new expressways. That money, instead of going into expressways, goes into other types of transportation infrastructure.

We talk about the mid-peninsula highway, a \$2-billion project. Imagine if you gave \$2 billion as a transportation subsidy to the municipalities that would be impacted by the mid-peninsula highway. With that sort of expenditure, you could have free public transit and increase the level of service in these municipalities. So it's totally at cross-purposes.

**Ms. Churley:** Mr. Hudak, I'm sure you took that really good advice to heart.

**Mr. Hudak:** I've heard the doctor's comments before.

**The Chair:** Thank you for being here.

## SUNFISH LAKE ASSOCIATION

**The Chair:** Our next delegation is the Sunfish Lake Association. We have your document in front of us. When you begin, could you identify yourself and the organization you speak for? You'll have 15 minutes. Should you leave any time, there'll be an opportunity for us to ask questions.

**Mr. Kevin Thomason:** Honourable members of the committee and guests, my name is Kevin Thomason, and I'm lucky to be a landowner and live on Sunfish Lake, a rare meromictic lake located on the Waterloo moraine, at

the edge of the cities of Kitchener-Waterloo. I am here in my capacity as president of the Sunfish Lake Association, and I believe my presentation represents my own views as well as the views of our association and a great number of people in our community.

First of all, thank you. I am very appreciative of the opportunity to speak this afternoon, and I'd like to make clear our support for Bill 136. You heard our concerns on Bill 135, in particular our desire to be included within the greenbelt so that our unique and vital natural areas receive the protection they need in an area growing as fast as ours. We weren't included in the greenbelt, despite the efforts of a great number of hard-working people; however, it is good to see that there could be opportunities for our region to address this through portions of this act.

We thank you for the tremendous work that has gone into creating this Places to Grow Act, and we commend you for the approach of looking at things from a broad perspective, which can be quite daunting. I believe that the provincial government, as well as the half million residents of Waterloo region, share a common vision of a vibrant, dynamic urban community balanced by protected natural greenbelt and rural areas. As you've indicated, Ontario will continue to face tremendous growth pressures in the future and it will be essential that we create balance and sustainability.

This brings us to our first concern: growth. Waterloo region is already one of the fastest-growing areas in North America. We are lucky to have a strong economy, and our community is a very desirable place to live in. However, we have found your aggressive growth estimates quite shocking. Already concerned by the region of Waterloo's own growth estimates, we were astonished to see the provincial estimates arriving at even higher projections: more than 729,000 people a full 10 years earlier than the region's estimates. This is a serious discrepancy that could have significant implications and consequences for the infrastructure that we are going to require in just a short time. Already, without even this additional growth, our area is projecting water shortages for this summer, has significant bottlenecks on our area highways, is critically short of doctors and lags most of the province in provincial health care infrastructure.

I realize we are not a communist government and cannot control the movement and settlement of each citizen. However, unlike many cities and municipalities in the province that are clamouring for growth, I'm not sure the people of Waterloo region are demanding such a high growth rate, particularly after such rapid growth over the past decade in our area. Our region tries its best to keep up with growth and to be a leader in planning and development. However, there are countless projects that await funding or are behind in our area that need to be remedied first before the addition of hundreds of thousands of more residents.

I wonder if we need to consider ways to influence settlement patterns and ensure that positive incentives attract people to the right areas, rather than waiting for

negative issues such as traffic, smog, overcrowding and other problems to drive them away.

We also question the sustainability of this amount of growth into our watershed in such a short time frame. There doesn't appear to be any aspect of the Places to Grow Act that takes into consideration the natural carrying capacity of the land from a purely environmental perspective. I think we need to achieve a balance and ensure that future growth doesn't negatively impact the overall survival of an area.

Yet, critical questions remain with this massive growth. Will we be able to protect our vital natural areas? Please remember that our region was completely excluded from the greenbelt and that many of our vital water recharge areas have little current protection. How are we going to accommodate so much new growth? Will our infrastructure deficit be more effectively addressed in the future than it has to date?

We are optimistic about the future, but there is much work ahead. This leads nicely into the sub-area growth strategies. We strongly endorse the concept of these sub-areas. The people of Waterloo region are highly interconnected with our surrounding communities, and most residents frequently travel between Wellington, Guelph, Brantford and such. We share a lot in common, yet too often our municipal and regional governments have taken divergent courses, and many opportunities to work together have been missed.

These very interconnected and geographically close west-of-greenbelt areas can work together successfully to problem-solve, coordinate and plan for the future. The boundaries for the west-of-greenbelt sub-area seem to work well, and it encompasses most of the Grand River watershed, a natural focal point and common thread linking these communities.

There need to be timelines, though, attached to the sub-area growth strategies. We fear that some jurisdictions may be much better organized or proactive than others, and it will be important for all areas to have common goals to work toward. With no deadline in sight, much-needed planning or activities could drag out for years, or perhaps even decades.

There is a strong fit and congruency with the sub-area growth concept and the region of Waterloo's regional growth management strategy. I don't know how the sub-area growth plans will be prioritized, but our regional government and our residents are willing to be planning leaders, and we want to work hard as a community of communities to see this concept realized.

The natural system: Perhaps the most important reason why I am here today on behalf of the hundreds, at times even thousands, of people who have been involved in our efforts so far to protect the Waterloo moraine and the Paris-Brant moraine is to stress how important section 4.2, the natural system, will be to our portion of the province. In fact, our ability to grow sensibly and have safe, reliable drinking water, and even just survive, may depend on our ability to protect our two fragile moraines. This concept of a provincially significant natural system

in the outer ring will address the long-standing request from Waterloo region and our community for a greenbelt similar to the GTA greenbelt in Bill 135.

Our area is in serious danger from leapfrogging over the recently approved GTA greenbelt unless we can ensure we have the same protection as other fast-growing areas in the Golden Horseshoe. We believe this natural system concept will allow us the ability as a sub-area to identify and protect our most critical and vulnerable natural areas, while directing growth and development to more suitable areas. This is very congruent with our local green lands strategy, and we want to ensure that the province works promptly with Waterloo region and other sub-area jurisdictions to define and delineate the provincially significant natural systems in the outer ring, and perhaps even be the first to lead with this protection concept.

Urban intensification: We strongly feel there is a need to have a higher intensification target than 40%. We can do better than having potentially 60% of all new development still consuming precious green space.

Interestingly, this intensification target may inadvertently climb to be much higher in certain areas, such as the city of Waterloo, which is forecasting that it is going to run out of green land for development within eight years. Perhaps this is as a result of rampant sprawl in the past. Regardless, though, it will mean that the city of Waterloo will be able to achieve much higher rates of intensification simply because there is no alternative. This is not a bad thing. Manhattan Island in New York City hasn't had an acre of new green space to develop in over 100 years, and yet its economy seems to be booming and millions of people rate it as one of the greatest places to live in the world.

#### 1640

Forty per cent is a compromise. We know other jurisdictions such as Vancouver and Sydney have much higher target rates of 60% or 70%. Perhaps we can find a way in Ontario to reward municipalities and regions that exceed the 40% target and recognize good planning and development practices.

There needs to be a provision for the staging of greenfield development, that perhaps no expansion will be permitted further into greenfield areas until certain urban intensification targets have been met.

There is an opportunity for Bill 136 to help reinforce the region of Waterloo's countryside line concept by ensuring that the 2031 settlement area boundary and our RGMS countryside lines are consistent and fixed solidly in place. This coordination of both provincial and regional boundaries and vision will be essential in the intensification and control of sprawl in our area and in preventing legal challenges to this very important boundary concept.

Intensification will be essential to appropriately direct growth; to protect our remaining rural and prime agricultural areas; to protect water sources and remaining high-quality wetlands, forests and natural areas; and to ensure that our cities have the required densities for the efficient and economical delivery of services such as

utilities, transportation, education and health care infrastructure, and higher-order public transit.

This leads finally into our last area of concern: public transit and transportation corridors. It is essential that our landlocked region be served by a better transportation infrastructure than currently exists, particularly if we are going to see increased growth and development. The cities of Kitchener-Waterloo are almost an island, encircled by the Grand River on three sides. Yet with only a few bridges across the river, we currently face considerable bottlenecks. Our one expressway, and the lifeblood of our region, the 401, faces considerable congestion and delays daily.

Effective transportation will likely be, after water and land, the largest concern and impediment to growth in our area. Both roads and public transit need to be considered in tandem, as it will not always be possible to take the train, LRT or bus.

Within our cities we need to ensure that we can support desirable, attractive and comfortable higher-order transit. We applaud the province's efforts to date to work with the region of Waterloo to investigate a proposed LRT to link our cities, and we would like to see this initiative undertaken as soon as possible.

We need to rethink the concept of transit across the province, though. Transit needs to be rewarding and appealing. It should be as nice as your car and a desirable alternative. A dirty, lurching, noisy, crowded diesel bus is likely not such an appealing, attractive alternative.

Why not look at places with very successful mass public transit? Let's look at Hong Kong, with comfortable, carpeted trains that have televisions, plush leather seats and pleasant stations full of attractive artwork. What a pleasant experience to get to the airport or other destinations. Why does it seem here that we so often punish our transit riders instead of rewarding them?

Solutions may be even simpler. Why hasn't anyone thought of putting a Tim Hortons or a food outlet on GO trains? Currently, each day, thousands of commuters line up each morning at a Tim Hortons drive-through, with their cars idling for extended periods of time to get a coffee and a muffin as they race to catch their train. Why can't somebody serve and provide food on a GO train? Not only would it make the journey more pleasant; it could even be an additional source of revenue for the province and save frantic parents a few minutes each morning. We need to ensure that public transit appeals to people, and if their journeys are pleasant, then it will be truly effective.

In Places to Grow, we are pleased to see the higher-order transit connections for our region. Regular, rapid, comfortable and frequent transit links within our communities, between our cities and to the GTA will be vital for our future.

There is a concern, though, that currently the only east-west link discussed in Places to Grow is from Waterloo to Guelph to Acton to Brampton and into Toronto. It will be essential that a second east-west link is provided for the southern portion of our region, con-

necting the cities of Kitchener, Cambridge, Milton, Mississauga and Toronto as well.

In conclusion, we believe the government is on the right track with Bill 136, and we hope you listen to and act on our concerns.

During my last presentation, I told the tale of two cities: the story of Los Angeles, with unchecked sprawl and smog, and the story of San Francisco, with a booming economy, well-planned intensified urban areas, great public transit, and surrounded by natural areas.

We believe Ontario is heading in the right direction. Careful growth projections and guiding growth to the appropriate areas and places that seek growth, sub-area strategies that take advantage of regional synergies, urban intensification, improved public transportation and roadways, and the critical component of being able to effectively protect our natural systems are all the right thing to do, and future generations will applaud your efforts.

The residents of Waterloo region are working hard to try to ensure the best possible future for our children. We look forward to working with you to implement these concepts and hope our area can continue to grow in a healthy, balanced fashion and remain one of the economic, educational and technological drivers of the provincial economy.

Thank you, and I welcome any questions.

**The Chair:** I'm sorry, but you've exhausted your time. It was a great presentation. Thank you very much.

#### HAMILTON-HALTON HOME BUILDERS' ASSOCIATION

**The Chair:** Our next presentation is from the Hamilton-Halton Home Builders' Association. I know we're running a little bit late, but we're glad to see you here. If all of you are going to speak, you should identify yourselves for Hansard, and the group you speak for. When you do begin, you'll have 15 minutes. Should you use all of your time, we won't have an opportunity to ask you any questions.

**Mr. Anthony DeSantis Jr.:** My name is Anthony DeSantis Jr. I'm president of the Hamilton-Halton Home Builders' Association. With me today are Doug Duke, our executive officer, and Mike Foley, our policy adviser. I'll make a brief presentation, and then one of the three of us will answer any questions you may have. We've handed out a small submission.

The Hamilton-Halton Home Builders' Association, or HHHBA, represents approximately 300 member companies of home builders, trades, suppliers and industry professionals in the Hamilton-Halton region. In 2004, more than 4,000 new homes were built by our members in the Hamilton CMA, which includes the city of Burlington and the town of Grimsby. Moreover, the housing industry contributed approximately \$900 million to the Hamilton area economy, over \$300 million in revenues to the various levels of government and provided employment for over 17,000 people. This makes the home

building industry one of the largest employers in Hamilton.

The impact of the Places to Grow legislation on the housing industry and on the province's economy cannot be overstated. It will not only affect the homes that we build but also the communities where we live, work and raise our families. Home ownership and gainful employment are the very foundation of a community's social identity. The proposed legislation will fundamentally alter these two integral components of our communities and dramatically alter the economic prosperity of the city of Hamilton. Our comments will focus on the intensification targets, infrastructure funding, sub-area growth strategies and key economic factors.

The newly released population projections for the city of Hamilton indicate that the city's population will increase by approximately 200,000 people, with 80,000 people, or 40%, being accommodated within the existing built area at a density of 200 persons per hectare. This is a province-wide mandate which fails to recognize the city of Hamilton's long history of development, which is both efficient and responsible. The amalgamated city of Hamilton is the most densely developed city in the province, even more than the amalgamated city of Toronto, according to a report issued by the Urban Development Institute. A chart of those numbers is in your handout on page 2.

Intensification guidelines for cities such as Hamilton and Toronto should not be the same as for areas like Oakville and Mississauga. In Hamilton's situation, accommodating an additional 80,000 people through intensification is simply not possible.

The HHHBA fundamentally supports intensification and the revitalization of the downtown core to provide a diverse range of housing choice and affordability to the community. However, the implementation of the province's objective of accommodating 40% of the city's growth within the existing urban boundary will destabilize existing neighbourhoods and strain the social fabric of the city. This simply is not good planning.

In co-operation with the city of Hamilton and other key stakeholders, we are committed to continuing our long history of responsible community development. The province must work with the city of Hamilton to formulate realistic intensification goals based on historical development densities and the availability of suitable brownfield sites.

The city will require the province's support through infrastructure investment in order to capitalize fully on redevelopment of its brownfields and greyfields to emerge as the economic anchor at the western edge of the greater Golden Horseshoe, servicing both the GTA and the vast market of the United States. The required upgrades to the city's sanitary, water and road infrastructure are beyond the realm of the municipal capital budget and will require provincial assistance. With its integrated network of shipping, rail, road and airport infrastructure, Hamilton will emerge as an integral part of the province's economic plan for prosperity with the proper

investment of provincial infrastructure dollars and the designation of employment lands.

#### **1650**

In the plan now, Hamilton has been identified as being within both the GTA and Niagara sub-areas, for which growth strategies are required. This can only further hinder the city's ability to diversify its economy and properly plan for the future housing and employment needs of the community. Hamilton should be part of one sub-area, that being the GTA, given that it is the economic centre for the western portion of the region.

The city of Hamilton is nearing completion of its growth-related integrated development strategy, or GRIDS. In order to reverse the existing commuter deficit and provide a wide range of housing to meet the demand spurred by increased employment opportunities, the city must have the ability to develop in a responsible manner without having to amend provincial legislation.

The municipality must be allowed to finalize and implement the recommendations of the GRIDS process independent of the sub-area growth strategies, which will take years to initiate and implement. Hamilton's economy cannot afford to stagnate any further under the weight of more studies. Hamilton must act now to secure its economic future. When the sub-area growth strategy for the GTA is being formulated, Hamilton's GRIDS work can then be incorporated.

The city of Hamilton has identified six economic growth clusters as a blueprint for evolving and diversifying its economy. The most important of these is developed in and around the Hamilton International Airport. Our association commends the province for specifically identifying the airport as a top economic priority and its importance to the greater Golden Horseshoe. It fully supports the development of the airport as a provincial economic growth node.

The association encourages the province to show its commitment to the Hamilton airport by recognizing in the Places to Grow plan the immediate need for lands in the vicinity of the airport to be brought inside the urban boundary and zoned for employment use, and allow this to take place independent of the sub-area growth strategies.

Another key component of the province's economic strategy is to ease the movement of goods to and from the greater Golden Horseshoe to key markets in the US. In this regard, it is critical that the planning and construction of the mid-peninsula transportation corridor be completed as soon as possible. The HHHBA supports the expeditious completion of the environmental assessment and construction of the corridor, not only to ease congestion on the QEW and at border crossings, but also to relieve development pressure on tender fruit areas adjacent to the QEW.

It is the view of our association that our members are key stakeholders in the growth and development of the greater Golden Horseshoe and specifically the Hamilton-Halton area. To that point, we would like to make five recommendations to this committee:

(1) That the province of Ontario delegate authority to the city of Hamilton to establish Hamilton-specific intensification goals based on historical density patterns, as opposed to an arbitrary province-wide mandate of 40%;

(2) That the province of Ontario support the city of Hamilton as a provincial priority urban centre and provincial growth area through its commitment of provincial infrastructure funding for the revitalization of the downtown core and for future employment lands;

(3) That the province place the city of Hamilton exclusively in the GTA sub-area and allow the recommendations of the Hamilton GRIDS process to be implemented independently of the proposed sub-area growth strategies;

(4) That the province of Ontario designate the Hamilton International Airport as a provincial employment node and support its continued development by allowing lands adjacent to the airport to be immediately brought into the urban boundary and zoned for employment uses; and

(5) That the province of Ontario expeditiously complete the environmental assessment process for the mid-peninsula transportation corridor and establish a time frame for its construction and completion.

Thank you all for the opportunity to speak. We'd be happy to answer any questions.

**The Chair:** Just over two minutes for each party, beginning with Mr. Hudak.

**Mr. Hudak:** Thanks, gentlemen. I saw two of you nod on the mid-peninsula corridor. There were three votes? So we're three to one so far, Marilyn—today anyway—on the mid-pen.

A facetious question, but there's a school of thought that says this is the developers' fault: The developers are building greenfield sites in the suburbs, you're forcing people to drive and buy cars, and you're getting fatter as a result. Why are you doing that?

**Mr. DeSantis Jr.:** We're responding to the demand. You can't force people to buy something they don't want. If they can't find something they want, they will move somewhere else. It's just a fact of life. If they can't find a single-family home with a yard for their children to play in, they'll move somewhere else.

As stated, Hamilton's economy has been bolstered by the housing industry. We've shown a record of building more intense than any other city in the province. What's happening doesn't make sense, in our opinion.

**Mr. Hudak:** What you just described has been the reality for a century or more, increasingly so. How are you going to stop people from making this choice if they want a backyard or a garden but the government wants to intensify? How are you going to do that?

**Mr. DeSantis Jr.:** How are we going to stop them?

**Mr. Hudak:** Yes.

**Mr. DeSantis Jr.:** Well, if they don't want the product, there's going to be a lot of people out of business, number one. There's going to be a lot of people moving out of Hamilton because they can't find the product they want.

**Mr. Hudak:** What will happen to the price of homes if you reduce—

**Mr. DeSantis Jr.:** The homes that are available are going to skyrocket, and we've seen that since last year or a year and a half ago, I guess, when the land freeze first came in with the other legislation.

**Mr. Hudak:** Who does that punish? Who will be affected?

**Mr. DeSantis Jr.:** The homebuyer, obviously. Prices of homes—

**Mr. Hudak:** Who are the homebuyers who would find these out of reach?

**Mr. DeSantis Jr.:** Single people buying their first home, first-time homebuyers, new immigrants to the country or someone who's moving for the first time from a rental to a single-family home won't be able to afford it.

**Mr. Hudak:** So if the government wanted to encourage more intensification for the general good of society, shouldn't the government pony up a little bit and offer some incentives?

**Mr. DeSantis Jr.:** Absolutely. That's what we're saying. We need the infrastructure to make some of it possible. But still, intensification is not the only answer. You have to provide a wide range of choice and affordability in pricing to all Ontarians, not just a few.

**Mr. Hudak:** We've heard a lot of talk about brown-fields and greyfields. Why don't you just go out and development them right now?

**Mr. DeSantis Jr.:** There are costs involved with that as well. There are insurance and liability issues. The cleanup costs of some of these sites are prohibitive as well. That's a major stumbling block, especially in Hamilton, where there is industry that closed up years ago and there are sites that are just—you couldn't give the properties away because it would cost too much to clean them up.

**Mr. Hudak:** So who should pay for that?

**The Chair:** Thank you. You've exceeded your time.

**Ms. Churley:** Mr. Hudak asked some of my questions, perhaps in a different spirit than I would have asked them, but I do want to pick up on the issue of the spiralling costs of housing, should this growth be limited in certain ways, as per this act. I brought this up yesterday, and so did the city of Barrie and others. Evidence and studies suggest that right now quite you're frequently not looking at the externalities of the cost of development when it's not built up in, I guess, sprawl. The infrastructure and such, we hear from towns, are being subsidized. So in a funny way it's subsidized housing already, in that municipalities have to pick up some of the costs of the infrastructure. It's not just me saying this; there are studies. But also, towns are coming to say that changes need to be made around the 10% discounting and some of the other issues around having to pick up the costs of sprawl.

My question would be, how do you balance that out, when you say, on one hand, that limiting some of this sprawl and development would make the cost of housing

go up, but municipalities are saying they can't keep on subsidizing the costs of sprawl?

**Mr. DeSantis Jr.:** For every study that says a city is subsidizing sprawl, I'd say there's another study that says that's a fallacy. Being responsible and well-balanced is what we're looking for. We would like to see, and our association would like to see, some recognition of what Hamilton has done in the past, as you see in the numbers, compared to Oakville, instead of the arbitrary 40%. Where was that number picked from? We don't know. Everyone we've asked at the province hasn't been able to give us a definition. That's how I would answer that question. It has to be balanced. It has to be an agreement. Our association has worked out in the past with the city of Hamilton what development charges are fair, what's in the provincial legislation and what works for both sides. We're not always thrilled with it, but we'd rather work together than fight over it.

**Mr. Rinaldi:** Thanks very much, gentlemen, for the presentation. A comment, and maybe a question. Just to clarify where the 40% intensification number comes from, I would suggest that you check our PIR Web site, Places to Grow. There's an enormous amount of information on how those numbers have been arrived at. I just wanted to clarify that.

The other comment I'd like to make is that Hamilton needs to be congratulated for its great work. It has been a leader in the revitalization of some of their brownfields. There's a long way to go; they're not done. But they need to be congratulated.

In your presentation, you indicated that you did support a certain type of intensification. To achieve the goals that the province has set forward, whether we agree with them or not, what do you need, from a home builder's perspective more specifically?

1700

**The Chair:** Before you speak, could you identify yourself for Hansard, please?

**Mr. Michael Foley:** Certainly. I'm Michael Foley.

Currently, the city of Hamilton is undertaking an intensification study to identify appropriate brownfield and greyfield development opportunities. Of course, with intensification you need three ingredients: (1) the demand for the product, (2) we have to ensure that there's a proper supply, and (3) community acceptance. We're afraid that an arbitrary 40% or an intensification area of 200 persons or jobs per hectare simply isn't appropriate in the urban fabric of Hamilton. There are only two areas in the province, those being downtown Toronto and Yonge and Eglinton, that are developing at 200 persons or jobs per hectare.

Don't get us wrong; we love Toronto. But when we travel along the waterfront, we actually want to see the water. I think we would like to make sure that there are not buildings in our way and, if the intensification study proves that it's at a lower density, we should have the ability to do that without amending legislation.

**The Chair:** Thank you, gentlemen. We appreciate your being here.

UNIVERSAL WORKERS UNION,  
LOCAL 183

**The Chair:** Our next delegation cancelled this morning at 11 o'clock, so we're moving on to the Universal Workers Union, Local 183. Welcome. Thank you for being here. Could you identify yourself for Hansard and the group that you speak for. When you do begin, you will have 15 minutes. Should you leave some time at the end, we'd be happy to ask questions or make comments on your delegation.

**Mr. Andy Manahan:** I'll try to leave some time. Good afternoon, Madam Chair and members of the committee. My name is Andy Manahan. I'm the development promotion representative with the Universal Workers Union, Local 183. It's indeed an honour and a privilege to be given this opportunity to address the committee on this last day of hearings on Bill 136 and to provide comments on the draft growth plan for the greater Golden Horseshoe.

Local 183 is a construction union that represents 34,000 workers and their families in the greater Toronto area. Our workforce has been instrumental in meeting the demand for new housing, water and sewer, transportation and other infrastructure that is critical to accommodate a rapidly growing population. We therefore have a first-hand understanding of the importance of the construction industry to city-building and the role of infrastructure investment to the province of Ontario and its citizens.

Local 183's executive, staff, members and their families are proud to have collectively contributed to Ontario's economic and social well-being, and we will continue to play a significant role in accommodating the phenomenal growth in this region. Forecast annual migration levels, according to the Hemson report that was done for the province, are expected to be 96,000 on average from now until 2011. Between 2011 and 2031, average migration to the greater Golden Horseshoe is projected to be 86,000 per year, so I think we're going to maintain quite a steady level of migration to this region.

Local 183 supports the general thrust of having the province of Ontario become re-engaged in big-picture planning and infrastructure investment. In fact, we fully agree with the statement by the greater Golden Horseshoe committee that "extraordinary growth requires extraordinary change in the way we do business."

The establishment of growth plans, if properly implemented, will differentiate Ontario as having a more highly refined strategic focus that will enhance overall prosperity and quality of life. In Local 183's response to the Places to Grow discussion paper last September, we commented that the greater Golden Horseshoe is the economic engine of Canada. For this success to continue, "growth must be planned for and managed in order to enhance our economic opportunities while protecting our environment for future generations." As such, we support the preamble and purposes contained in Bill 136.

The growth plan for the greater Golden Horseshoe recognizes that to be effective, planning must be done on

a wider geographical area. Having a long-term planning horizon, combined with a regional infrastructure investment plan, will enable Ontario to make decisions about growth in a coordinated fashion. We support and await the announcement by the Ministry of Public Infrastructure Renewal of a 10-year infrastructure strategy.

The preamble speaks of an “integrated and coordinated approach” that will “contribute to maximizing the value of public investments.” In addition, it is worth emphasizing that this approach will undoubtedly foster greater private sector investment, whether it is new housing developments or businesses that are looking to expand or relocate from another jurisdiction.

In our view, the major impediment to the successful rollout of this plan is the lack of funds for major infrastructure. Reinvestment and new investment in transit and transportation systems are the obvious areas to make the plan work. Of course, other infrastructure, such as water and waste water systems, must be upgraded and expanded to accommodate growth. There’s a whole range of other issues, such as waste management, of course. In this regard, Local 183 has supported a range of innovative funding schemes such as the gas tax and tax increment financing districts for brownfield redevelopment.

More recently, we have joined the campaign to achieve fair funding levels from the federal government. Local 183’s business manager, Tony Dionisio, and I sent a letter to Prime Minister Paul Martin last week urging “constructive dialogue” and concluding that “the funding gap in Ontario is a serious issue that requires your immediate attention and leadership.” We are pleased that a meeting between the two leaders is planned for next week.

Local 183 released a report a year ago on the infrastructure funding gap, which was submitted to the MPIR as a result of its discussion paper, *Building a Better Tomorrow*. Our report pointed out that many jurisdictions have used public-private partnerships to lever some of their public infrastructure requirements.

We recommend that Ontario move on this front quickly and strategically. For example, major public pension funds are willing to invest more of their assets in infrastructure, but this money is fluid and can be invested in other jurisdictions if Ontario does not offer an appropriate framework for this investment.

Our construction union works closely with our management partners in delivering infrastructure and building new housing to help meet the growth that occurs in this region. Collectively, our industry has repeatedly advocated for greater investment to overcome the capital and operating shortfalls in infrastructure. In a recent opinion piece, the president of RESCON called the current situation “dumb growth,” which he defines as “a condition marked by the inability of multiple layers of government to coordinate long-term planning and programs in the public interest... In the building industry, the problems associated with piecemeal government planning are now painfully evident. The process is becoming

less transparent, less predictable and less timely. Whether the field is green or brown, the building industry is frequently being shown the proverbial door.”

More compact development is definitely called for, but the lengthy approvals process and the more lucrative property tax base with single-family-type housing are barriers. Hemson Consulting’s growth outlook report is sobering because it points out that declining household size has serious implications for the housing mix. Basically, more housing units are required just to house the same, generally aging, population. Under the even more compact development scenario for the GTA-Hamilton in the Hemson report, there would be a dramatic shift away from single and semi-detached housing, currently trending at 54% of the mix. In the report, they suggest that to reach that even more compact scenario by 2021, only 26% of new housing would be single and semi-detached, with 52% in the apartment category. This type of reversal of consumer preferences toward higher-density housing will be difficult to achieve without financial incentives and functional regulatory tools to encourage even more intense development.

At a January seminar on Bill 136, Burlington Mayor Rob MacIsaac commented that “the only thing people oppose more than urban sprawl is intensification.” The NIMBY syndrome is understandable—

*Laughter.*

**Mr. Manahan:** It’s a truism.

The NIMBY syndrome—people have been using this phrase for many years now—is understandable when higher-density or infill projects are being proposed that might increase traffic gridlock, especially when infrastructure investment is not keeping pace with growth. Anti-growth sentiments must be tackled through increased investment as well as awareness campaigns.

At the end here, I’ve just summarized a few comments on the proper functioning of growth plans related to Bill 136:

(1) Intensification strategies need to be bolstered by complementary regulatory mechanisms and financial incentives.

(2) A sustainable source of funding for transit is mandatory to be able to achieve the growth vision. A continuous transit expansion strategy must be implemented, with funding from all orders of government.

(3) Establishment of a 40% intensification target is reasonable as long as other elements of the plan are in place.

(4) Implementation of the sub-area concept for the GGH will be challenging, but if this concept is to be more effective, there must be an emphasis on watershed-based planning and engineering.

I’ll just say as a footnote that one of the groups we work with is the sewer and water main contractors’ association, and that is the direction in which they do a lot of their planning right now in terms of that type of infrastructure.

(5) We agree with the Ontario Professional Planners Institute that the sub-area growth strategies be prepared no later than June 2006.

(6) Any provincial funding that is provided through the province's infrastructure programs must ensure that these funds are directed to municipalities that have approved official plans that conform to the growth plan. The new OPs should conform within one to two years.

(7) A 10-year statutory review is relevant for this type of plan, but it should be noted that other documents such as official plans and provincial policy statements are intended to be reviewed every five years. Consideration should be given to aligning the time periods so there is a common review cycle.

1710

(8) The environmental assessment process must be streamlined, particularly for transportation projects that are required to meet the objectives of establishing centres and corridors. OMB decisions must be consistent with the objectives of the growth plan.

(9) A provincial facilitator must be appointed to help expedite planning and development decisions and to resolve disputes that are critical to meeting the objectives of the plan. While there are proposed ministerial powers to do this, this should be considered a last resort.

(10) Greater certainty would be engendered if regulations pertaining to Bill 136 were filed concurrently.

(11) Finally, an educational campaign revolving around the merits of the growth plan for the greater Golden Horseshoe must be put in place. The fact that Toronto's new condominium market represents one third of all new home sales and is probably growing a little bit beyond that—maybe in the 37% range—demonstrates that consumer preferences do change. An ongoing marketing campaign, therefore, will assist in this process across other market or sub-areas.

In conclusion, we are supportive of the proposed legislation as long as there is a concomitant investment in infrastructure. Thank you again.

**The Chair:** There are just under two minutes, so about a minute and a half for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I liked your comment about NIMBY. In a meeting a long time ago in my community, I had a tomato thrown at me because I was supporting some infill. But I did support it—I was brave—and everybody's happy now. You're quite right that that continues to be an issue, but I think we all agree that the time has come. I believe that's what you're saying: Politicians have got to work closely with the communities—

**Mr. Manahan:** Make the tough decisions.

**Ms. Churley:** —and make the tough decisions, and then you will create the most beautiful that you can that fit into the neighbourhood. I assume that's the—

**Mr. Manahan:** Even in your neighbourhood, along the Danforth, we should have been doing main-streeting a long time ago.

**Ms. Churley:** I know. I was on city council when that plan came up, and it never came to fruition. Now's the time to bring that back again.

**Mr. Rinaldi:** Thanks very much for the presentation. If I may, Madam Chair, just a quick commercial: Thank you for establishing one of your training facilities in my riding in Cobourg.

**Mr. Manahan:** You're quite welcome. We enjoy being there.

**Mr. Rinaldi:** It's fantastic. I guess it helps bring the workforce back to what it should be, so I thank you for that in a very positive comment.

Having said that, you made some good points and you talked about tools to make sure this happens. Because time is fairly short, can you elaborate more on the importance of transit in making this work when you're talking about intensification?

**Mr. Manahan:** I just put on my button a little while ago. It's for the subway to York U. In terms of the TTC, this would be—

**Mr. Rinaldi:** It wasn't planned.

**Mr. Manahan:** It wasn't at all. This would be considered our number one priority. I'm also on the board for the Smart Commute Association, based out of York University. The subway to York should have been built 20 years ago. It's one of those things where gridlock has become worse because of it. If we present the opportunities to car drivers to take other options—I think one of the previous speakers talked about making that environment more comfortable—then we would attract riders and hopefully take cars off the road.

**Mr. Rinaldi:** I like the Tim Hortons idea, by the way.

**Mr. Hudak:** Thanks for your presentation. How much time do I have?

**The Chair:** Because not everybody used it, you get three minutes.

**Mr. Hudak:** Andy, why is the button red?

**Mr. Manahan:** I don't know. I think it's the York University colour, actually, red and white.

**Mr. Hudak:** The government usually likes red documents better.

**Mr. Manahan:** I should add that I'm here with respect to fair funding on a non-partisan basis, because I believe that Bob Rae, Mike Harris and others have all lobbied for a better deal with the federal government.

**Mr. Hudak:** There you go.

**Ms. Churley:** He should be a politician.

**Mr. Hudak:** I know. It's a good answer.

I had a bunch of questions, actually. You talk about financial incentives to get people to change their preferences for intensification. Do you have any particular suggestions of what those should be? You talk about 40% intensification targets as being reasonable. Should that be for all urban growth areas, or should it be an average across, with rewards for those who exceed it? And lastly, why is it important that environmental assessments should be streamlined, particularly for transportation and transit projects?

**Mr. Manahan:** Maybe I'll work backward. I think transit projects make a lot of environmental sense, because they do take cars off the road. If we can't streamline those and it takes 10 years or whatever to get

an EA done, then we're just going to be moving backward.

I'll move to the first question. The TIFs, I guess, would be a great example of trying to get brownfield redevelopment done. Again, a previous speaker talked about the liability regime, but TIFs in the US work tremendously well. Basically you don't want to take a lot of the property taxes out of the project when you're just trying to get them started, but over a 25-year period those taxes should be at a higher level, and it's certainly better than getting zero taxes if you let those sites sit idle.

The middle one was to do with?

**Mr. Hudak:** Incentives for consumers to shift preferences to intensified housing projects.

**Mr. Manahan:** OK. The US has a number of examples where they do that, like location-efficient mortgages. If you locate close to your place of work, there's a slight discount on your mortgage with the financial institution. That's kind of a creative, innovative way—

**Mr. Hudak:** Subsidized by the federal government?

**Mr. Manahan:** Yes, and that's a big difference. The federal government in the US takes a big role in terms of smart growth.

**Mr. Hudak:** Great.

**The Chair:** You still have a minute, if you want.

**Mr. Hudak:** I still have a minute? Excellent.

*Interjection.*

**Mr. Hudak:** No, but it's true. The Hamilton home builders' association said that if housing prices go up for detached homes, it's younger people, new families and immigrants coming to the country who will pay that price. Is that entirely fair? Those who own that land will have a windfall. How would you address that? People will still choose that area, but they'll be paying a higher price. Is that entirely fair?

**Mr. Manahan:** I think choice is going to be critical. Again, the previous speaker said we're not a communist state, so you have to have choice. The tomatoes that were thrown were probably grown in a backyard somewhere, so people still want a little yard. It doesn't have to be a 50-by-100-foot lot, just choice.

Affordability is very important. I think there are different ways of doing things in terms of the way you configure buildings on lots and so forth. Some of the planning requirements for stormwater ponding in school sites result in a net usable area that's lower than it should be, because they do take up a lot of land. I think things like that, the big-picture items, could be looked at.

**The Chair:** Thank you very much. We appreciate your being here today.

**Mr. Manahan:** We could go on forever.

**The Chair:** Yes, we could. Very interesting. Thank you.

KAGAN SHASTRI

**The Chair:** Our next delegation is Kagan Shastri, Barristers and Solicitors.

**Mr. Ira Kagan:** Good afternoon, Madam Chair and members of the committee. My name is Ira T. Kagan. I'm with the law firm Kagan Shastri. I am a lawyer, and I represent conservation authorities and municipalities, local area residents, landowners and developers.

I've appeared before this committee in the past, most recently in February when you were considering the Greenbelt Act. At that time, I urged your committee to bring both reforms—greenbelt and growth—forward at the same time. I made this recommendation, and I thought it was essential because I understood that this government counted on the success of both reforms, not just the greenbelt reform, to achieve two important goals: (1) to contain unwanted urban sprawl and (2) to accommodate urban growth smartly, or smart growth.

I'm not here today to suggest that these goals are not worthwhile. They are, and I doubt you'll find many people who think they are not. Unfortunately, in their present form, these reforms are severely flawed and will not leave the positive legacy for Ontario that this government desires. The Greenbelt Act and plan are deeply flawed. Unfortunately, the Places to Grow Act and the draft growth plan, as drafted, will fail to meet these goals.

Frankly, in the time allotted to me, it's impossible to review all of the areas in the Places to Grow Act that require attention, so I'm going to concentrate on three areas. The first is going to be accessory suites, the second is going to be parkland dedication rules and the third is going to be an analysis of what I think is going on in this government, which is, "Do as I say, not as I do," and this gives me the most trouble of all.

I'm going to start with the easy one, accessory suites. This idea is not new. It was law in 1994 as a regulation under the Planning Act. It provided for immediate intensification in existing built-up areas. It wasn't a free-for-all. It had rules respecting minimum unit sizes, parking, building alterations, window separations etc. It allowed for an immediate intensification in existing buildings.

I'm recommending that this committee take a good, close look at incorporating this provision in the Places to Grow Act itself or, alternatively, as a concurrent amendment to the Planning Act. Can anyone deny that a base-ment apartment makes a critical contribution to housing in the GTA and, in most cases, affordable housing? These new rules would ensure that the units meet building and fire codes. They'd allow for immediate residential intensification of ground-related units. And let's not fool ourselves, that is the most desirable type of housing that people want today. It would maintain the built form of the neighbourhood. I don't understand how this is not a win-win situation. There's only a passing reference in Places to Grow about this notion, and I think it deserves a closer look.

1720

My second topic is parkland dedication. Some people may wonder why I'm talking about parkland dedication on a day reserved for Places to Grow. It's because the current requirements respecting parkland and the manner

in which they are used, especially for high-density residential development, are a direct and severe limiting factor on the ability of landowners to deliver residential intensification at affordable prices. Places to Grow can encourage residential intensification, but if the resulting units are too expensive to build or if the amount of land left over to build upon is too small, it isn't going to work. When I speak of high-density development, I'm not just talking about high-rise apartments; I'm speaking of row houses, stacked townhouses and low-rise apartments. All of these, when you do the math, result in high-density development.

The Planning Act contains the rules for parkland dedication. In greenfield situations it's usually done by subdivision, and in intensification it's usually done by way of rezoning and site plan approval. In both cases, a municipality is allowed to take land or cash or any combination of the above. For residential development, the maximum amount they're allowed to take is 5%, unless they decide to use an alternative formula that the Planning Act allows. This alternative formula results in an enormous taking, and I want to give you an example.

The formula is one hectare of land for every 300 dwelling units constructed. This is the law today. These dwelling units can be any kind of dwelling units. They don't distinguish between little bachelor apartments and great big houses. A unit is a unit is a unit. What's readily apparent is, these little bachelor apartments can't possibly contain the same number of people as a great big house. There's no relationship whatsoever in the current rules between how many people are going to live in an area and how much parkland the municipality can take. This needs to be fixed.

Let me give you an example. There's a nine-acre site in a very built-up area of the GTA. It's on a transit route. What's proposed on this nine-acre site is 800 dwelling units: 200 in townhouses and 600 in apartments. This development has already won urban design excellence awards and is on the most major transit route in the area. This is exactly the kind of smart growth the province is looking for.

Let's see what happens when you apply the Planning Act rules. These 800 dwelling units generate a parkland requirement of 6.6 acres. We started with nine acres; we have to give 6.6 away as parkland. That doesn't even count the land you have to give for roads. There's nothing left. You'd be lucky if you could build 200 of the 800 units on the land that remains. So what does the municipality do? Sometimes they say, "Well, you're right. We can't take all the land; we'll take the cash equivalent instead." The rules for the cash equivalent are: fair market value of the land that would have been given.

I know of another example where a developer bought, in a central part of the city, a lot for \$25 million. After they did the development and the parkland contribution was calculated, the parkland contribution was more than \$25 million. Something's wrong. These costs all get passed on to the home buyer. If this government isn't concerned about rising housing costs, it really should be.

There are solutions to this. I've got a couple of ideas; I don't have time to illustrate them here. I'd be happy to sit down with members of the government or staff and talk about it.

The last topic I want to talk about is the most troubling to me. It's what I call the "Do as I say and not as I do" mentality. I'm very disturbed by some recent planning reforms that this government has brought forward. There appears to be one set of rules for residents of municipalities in Ontario and a completely different set of rules for this government. This is not acceptable. It started with the Greenbelt Act. The present path that the government is on was blazed by that act. It is a deeply flawed document which, while promoting a worthwhile goal of preventing unwanted urban sprawl and directing growth to an appropriate location, made very poor choices in implementation and in the drawing of the greenbelt map.

Let me give you some examples of the different rules that apply. For the residents of Ontario and municipalities, all land use planning decisions must conform to the Greenbelt Act. All landowners and residents of Ontario must abide by the Greenbelt Act, but the province doesn't have to. The provincial policy statement, which is the province's highest policy statement, doesn't have to conform to it. I've got references of each one of these examples in my paper. It doesn't have to conform to it. A minister's zoning order doesn't have to conform to it, but a municipality's zoning bylaw does. That's not fair. A development plan under the Ontario Planning and Development Act doesn't have to comply with the Greenbelt Act, but any other development plan would.

The greenbelt plan is also exempt from the Environmental Assessment Act. Why is there one set of greenbelt rules for all the people of Ontario and a completely separate set of rules for this government? And what has happened in the growth act? It has been repeated. Similar examples: all land use planning decisions by the Ontario Municipal Board or municipalities must comply with the growth plan, but when the province chooses to do land use planning, such as it is doing in the Ontario Planning and Development Act in Pickering, those decisions don't have to comply with the growth plan. Why not? Why is there one set of rules for us and another set of rules for the lawmaker? How is that defensible in a free and democratic society?

Just as in the case of the Greenbelt Act, minister's zoning orders don't have to comply with the growth plan, the provincial policy statement doesn't have to comply with the growth plan and—something that really shocks me—the Places to Grow Act exempts from its application the Statutory Powers Procedure Act. This is entirely unacceptable. The SPPA provides the most basic and fundamental protections of procedural fairness and due process. Why would any legislation exempt you from those protections? And the growth plan, like the greenbelt plan, was exempt from the Environmental Assessment Act.

The Ontario planning and development process is being used for the first time by this province to plan

Seaton. Seaton has been sold to the people of Ontario by this government as a new way of planning and building a community. It has been sold as a model community, an example of smart growth. Is it really? If it really was smart growth, why does the province feel the need to exempt Seaton from the Places to Grow Act? Why? Why not apply your same principles to it?

The truth is—and it's now confirmed by council resolutions from Durham and Pickering—that Seaton is not smart growth. Seaton alone, at the expense of developing in neighbouring lands which are better serviced, is not smart growth. What it is is leapfrogging. True smart growth would see limited development in Seaton and Cherrywood, not Seaton at the expense of Cherrywood. The province should lead by example and do what it directs others to do.

Those are my comments. I'm happy to answer any questions.

**The Chair:** We have about a minute and a half for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you for your presentation.

**The Chair:** Mr. Hudak?

**Mr. Hudak:** The last part of the presentation on Seaton—as you mentioned, Seaton would be, because of provincial initiative, exempted from the growth plan, and the government has exempted itself from the greenbelt legislation. Catch me up: What is happening at Seaton? What gives you concern, aside from the important point about the government exempting itself?

**Mr. Kagan:** Frankly, I think the public has been fooled about Seaton. They've been told early on in the process that it's going to be a new community, that it's going to be done differently from the way private individuals do it, that it'll be different from the way municipalities do it, that it is smart growth and that it is not urban sprawl. The truth is, it's the opposite on all those fronts. Seaton alone is leapfrogging. You take areas of land that are better serviced for development and you ignore them. You go around them and across them to get to Seaton, an area that has nothing in it right now—no roads, no water, no sewers—but pristine trees and more environmentally sensitive areas. If I tried to develop Seaton at the expense of the other areas, I would be banished from the municipality. It's insane.

How does the province get away with it? They get away with it, first, by telling people it's smart growth without proving it and, secondly, by exempting itself from all the smart growth rules that would otherwise apply. You make the rules; you can win the game.

**Mr. Hudak:** So Seaton is not going to hit the province's intensification effort?

**Mr. Kagan:** I'd love to see how. Here's the problem: That plan is still in draft stage, so I haven't been able to test the final results of the plan, but when I test what we have right now, it doesn't even come close; absolutely not.

**Mr. Hudak:** Any idea what type of housing the government plans there? Is it single detached large lots?

**Mr. Kagan:** I can't tell you the lot size, because that level of detail isn't out yet. There is certainly a lot of ground-related residential there, so I assume there would be singles and I assume there would be semis. I don't think the government is suggesting for a moment that you're going to have nothing but apartment buildings in Seaton.

**Mr. Hudak:** The Places to Grow legislation has a significant role for the province in planning. In fact, some of the regions have come forward to say they've taken over regional responsibilities, and some municipalities have an opposite view. Where do you think that balance should be between the plans, and what level of government should have the greater influence on what those plans look like?

**Mr. Kagan:** If I was going to take a very practical approach to it, I'd say whoever does it better should be the one to do it. I can't imagine for a moment, with all due respect to the province of Ontario, that their more limited staff—they know less about individual areas than local staff do. I can't imagine how they think they're in a better position to plan. What they should really be doing is having a coordinating role between the regional governments, not doing the regional governments' job for them.

1730

**Ms. Churley:** Nice to see you again.

**Mr. Kagan:** Thank you. Same to you.

**Ms. Churley:** We don't agree on some things, but we certainly do on others. I particularly agree with you about the government being left out of the greenbelt rules. I did make amendments for that reason, but they weren't accepted by the Liberal government, I believe, to protect the highways and other infrastructure that they're building throughout the greenbelt.

The other issue you brought up that I agree with is leapfrog development. I guess I wanted to ask you a question about the south Simcoe sprawl. You brought up Seaton in particular. Are you aware of the leapfrog development that's happening up there, and do you think that's fair?

**Mr. Kagan:** I'm afraid I don't know enough about—

**Ms. Churley:** You don't know the situation?

**Mr. Kagan:** I'm afraid I don't. I've really been concentrating on the area south of the moraine, so I wouldn't want to speculate.

**Ms. Churley:** We'll go back to Seaton, then, because that's what you know, and the leapfrog development you're talking about there. What are the implications for developers, for instance, in that area? What is your biggest concern beyond environmental impact and sprawl impact and all of those things?

**Mr. Kagan:** I will answer that question, but I don't want to underemphasize the severe environmental impact that will occur if Seaton is not developed properly or, even more importantly, if it is developed at the expense of other areas. Why anyone would choose to develop that area and prohibit development in other, better areas I will never understand. But if you're forced to look at it there

and ask the question, “What will it mean?” first of all, it will mean a lot more money for everybody to have to spend. It doesn’t matter whether it’s the province of Ontario putting in this extremely expensive infrastructure or local municipalities, or whether they get passed on to home buyers, it’s all going to cost more money. That’s why one of the first principles in smart growth is, use existing infrastructure wisely. That’s the first rule of smart growth. It’s broken in Seaton. Everything else that’s bad flows from there.

I’m not here to say there should be no development in Seaton. Please understand I’ve never said that. There should be development in both Seaton and Cherrywood; not all of both but enough of both to achieve smart growth.

**The Chair:** Thank you very much for being here today.

#### DUFFIN CAPITAL CORP.

**The Chair:** Our next delegation is the Duffin Capital Corp. Do you have a handout?

**Mr. Mark Flowers:** I do. It’s just going around now.

**The Chair:** OK. Could you identify yourself for Hansard, and the group you speak for. When you do begin, after you’ve introduced yourself, you’ll have 15 minutes.

**Mr. Flowers:** My name is Mark Flowers. I’m a lawyer with the law firm Davies Howe Partners, and we represent Duffin Capital Corp.

Duffin Capital is a member of the West Duffins Landowners Group, a landowner in the Cherrywood area of the city of Pickering—Mr. Kagan just referred to Cherrywood. This area is also sometimes referred to as the Duffins-Rouge Agricultural Preserve.

In February, I attended before this committee on behalf of Duffin Capital to make a presentation regarding Bill 135, which of course now is the Greenbelt Act. At that time, I argued that Bill 135 and the greenbelt plan were, for a number of reasons, fundamentally flawed and in fact contrary to a number of principles supposedly espoused by this government.

Just to highlight a few items: rather than giving locally elected decision-makers the ability to guide development in their communities, I asserted that Bill 135 centralized land use planning decision-making powers here at Queens Park. Likewise, rather than making the planning process more open and transparent, I observed that the bill and the plan eliminated several fundamental private property rights and procedural safeguards and established a greenbelt with boundaries that, even to this day, the province is either unwilling or unable to justify on the basis of actual science. In addition, I argued that based on the principles by which the Golden Horseshoe greenbelt was apparently being established, Cherrywood had no place in such a greenbelt. Unfortunately, my presentation fell on deaf ears, because, as we all know, the government ultimately included Cherrywood within the greenbelt.

Moving ahead, since that time, Bill 136 has received second reading and the province has now released its draft growth plan for the greater Golden Horseshoe. I can say that having read those two documents, we are more convinced than ever of two things: first, that this government has very little respect for local land use decision-making powers, and secondly, that Cherrywood ought to be removed from the greenbelt and in fact now be identified as a growth area.

Like the Greenbelt Act, the crux of Bill 136 is to strip local municipalities of their independent planning powers and eliminate a number of fundamental individual rights through the following measures: mandating conformity with the province’s growth plan, providing no rights of appeal, providing no right for individuals or municipalities to apply for an amendment to the plan—of course, that’s only by the minister, eliminating any procedural safeguards that would otherwise apply under either the Statutory Powers Procedure Act or the Environmental Assessment Act—and, like the Greenbelt Act, purportedly eliminating any right to seek any redress or remedies through the courts.

Bill 136 does make provision, admittedly, for the appointment of hearing officers. They can receive representations regarding the proposed growth plan or any amendments that are proposed. However, the value of this process is really questionable when one observes that the hearing officers are simply there to make recommendations and all final decisions rest with either the minister or the cabinet and, again, are not subject to appeal. In essence, the possibility of these hearings is likely nothing more than an attempt to give the appearance of openness, but in reality, it’s yet another example of the unnecessary centralization of decision-making power.

Turning to the growth plan, I’ve identified at least six key themes or principles that are mentioned in the plan for directing future growth. I think it’s fair to say that these generally have broad support, but they are also principles that all reinforce the conclusion that Cherrywood ought to be designated as a growth area.

First, designated urban growth centres will be the focus for accommodating future growth and intensification. I note that downtown Pickering has been identified as an urban growth centre. In fact, it’s only one of three such centres east of the city of Toronto. To fulfill that function, downtown Pickering is going to need an adequate population base to support the higher-order commercial and regional service activities. We would argue that Cherrywood, located immediately adjacent to that existing built-up area of South Pickering, is ideally situated to accommodate a portion of that population base. In other words, it helps downtown Pickering fulfill that intended role.

Second, the growth plan that is proposed encourages a balanced distribution of jobs and housing. That gives residents more opportunity to live and work in the same community. Aside from the employment growth envisioned for downtown Pickering, I’m sure many of you

will also be aware that in the fall, the GTAA announced plans for the development of a Pickering airport on the federally owned lands which are north of Cherrywood. That airport would generate thousands of jobs and would likely become the key employment node in all of Durham region. In addition, significant employment lands are being proposed as part of the Seaton plan, along Highway 407 through Pickering, northeast of Cherrywood. Therefore, accommodating some development in Cherrywood would clearly support the creation of these closer live-work relationships.

Third, a key theme in the draft growth plan, and specifically referred to in Bill 136, is the desire of the province to make more efficient use of infrastructure to maximize the value of public investment. In this regard, the proximity of Cherrywood to both existing and planned infrastructure, and its serviceability, are some of its key locational attributes. Moreover, because much of the infrastructure that is needed to service the provincially owned lands in Seaton to the east are going to run directly through the Cherrywood lands, development in Cherrywood could help to defray some of the significant infrastructure costs that will be associated with development in Seaton.

I can tell you that the city of Pickering did some analysis of the costs, and they figured that infrastructure costs in Cherrywood would in fact be roughly about half of those same infrastructure costs in Seaton.

Similarly, a fourth principle, which is transit-supportive development and supporting that type of development, is envisioned for Cherrywood. Development in Cherrywood would also provide that additional ridership base to assist in making transit in Seaton a more viable option.

Fifth, the draft growth plan calls for the protection of environmentally sensitive lands as part of a natural system and the protection of viable, prime agricultural land. Again, development in Cherrywood does not compromise these principles. The area has been extensively studied and been found to contain no provincially significant environmental features nor any rare species of plants or wildlife. Similarly, recent agricultural studies have concluded that Cherrywood is an area of low agricultural viability and, relative to other areas, low agricultural priority.

By contrast, recognizing, as the growth plan does, that some greenfield development is going to be necessary to accommodate Durham region's forecast population growth, leapfrogging over Cherrywood in favour of more peripheral locations could very well result in development occurring on lands that have environmental sensitivity or have higher agricultural priorities.

**1740**

Finally, my sixth point is that the growth plan discourages piecemeal expansions to urban boundaries. Instead, it speaks of the need for comprehensive reviews. In this case, the city of Pickering, since 2002, has been undertaking a comprehensive growth management study. It was initiated, in fact, on the recommendation of the

Toronto and Region Conservation Authority, so it had an environmental basis as its foundation.

Unlike the province's planning for north Pickering under the Ontario Planning and Development Act, Pickering's growth management exercise has been comprehensive. In fact, it has actually considered and evaluated multiple land use scenarios. That's contrary to the province's plan. It has been open, in that the public has actually been given a meaningful opportunity to participate in the process. It has also been transparent, in that all of the supporting studies, as part of the growth management exercise, have been made available for public review and scrutiny. Again, that's certainly in contrast to the province's planning in Seaton. Thus, by all accounts, development in Cherrywood would be consistent with the growth principles that are being espoused in the draft growth plan, and it represents an ideal location for future growth.

On that basis, if the province decides to proceed with Bill 136 and the growth plan, we are urging the government to remove Cherrywood from the greenbelt and identify it in the growth plan as a designated growth area.

Just to be clear, it's not only our client that is making this request. As Mr. Kagan mentioned, on April 11, Pickering council adopted a staff recommendation to remove Cherrywood from the greenbelt and identify this community as a designated growth area, which is consistent with the recommendations of the growth management study. The handout I've given you is the council meeting minutes from April 11. You'll see that on page 2, recommendation number 3—this was a staff recommendation which was endorsed by Pickering city council—reads, "That Pickering council request the Minister of Public Infrastructure Renewal to coordinate the transfer of the Cherrywood community from the greenbelt plan to the growth plan under a designated growth area category, consistent with Pickering's approved growth management study."

As well, I guess it's fair to say that for some time now, there has been some speculation as to the region of Durham's position with respect to Cherrywood. There's certainly been no speculation as to Pickering's position. They've gone through a growth management exercise. In fact, they've passed a bylaw adopting an official plan bringing Cherrywood into the urban boundary. In the region of Durham, there's been a little more speculation, but I would suggest that that was answered on April 13. Regional council, by an overwhelming majority—in fact, the vote was 21 to 5—adopted a response to the draft growth plan that includes a similar request to the minister to remove Cherrywood from the greenbelt and identify it as a designated growth area. I've attached pages 4 through 8, a copy of that resolution, and I draw your attention to the very last page, page 8. At the top of that page is the resolution, the item that I'm specifically referring to. Again, that passed recently by a 21 to 5 vote at regional council.

With these unambiguous council resolutions in hand, the question now for the government really is quite clear.

Our client's attempts to engage the province in a meaningful and fair dialogue about Cherrywood have repeatedly met a brick wall. The question, then, is, will this government, one that claims to respect local decision-making and the authority of municipalities to guide development in their communities, continue to maintain its ill-founded policies for Cherrywood and, in doing so, ignore the express wishes of the elected officials of both the local and regional municipalities, as reflected in these resolutions?

I would suggest that if that is the government's intention, it certainly represents a shift in policy from 2000. At that time, Ontario Realty Corp. had recognized that the long-term use of the Cherrywood lands would be determined by the local municipalities. I don't have it as part of the handout; I can hand out one copy, and if any members of the committee would like a copy, I can certainly provide it. It's a letter from Brad Searchfield, the executive vice-president of ORC, to the city clerk at the city of Pickering. It's dated January 19, 2000. It's a letter dealing with the tenant purchase program, which was the program by which the government sold the lands to the former tenants of the land. It's important to remember, as well—because there have been some media reports, I know, praising the province and ORC for taking the stance that they are now and criticizing the city for releasing the agricultural easements—in the context of this letter, that these lands were expropriated by the province in the 1970s. And they weren't expropriated for the purpose of protecting open space, and they weren't expropriated for the purpose preserving agricultural land on a permanent basis; rather, the purpose of the expropriation was to develop an urban community of about 250,000 people in conjunction with what was being proposed as a Pickering airport at that time.

In any event, to the letter. I think the last couple of paragraphs are quite instructive of the province's view, at least in 2000, with respect to the future use of the Cherrywood lands. Mr. Searchfield writes:

“Similarly, since the inception of the tenant purchase program, and as a matter of government policy, we have recognized that local land use planning is a matter within the control of the town of Pickering and the regional municipality of Durham. Subject to the limited role of the province in the Planning Act, matters of local land use planning are not”—and that word is underlined—“the responsibility of the Ontario Realty Corp. or the province of Ontario.

“With the town of Pickering holding the agricultural easement and the official plan, responsibilities of the town and the region in respect of the designation of this land as ‘agricultural,’ we believe it is essential that the community understand that notwithstanding the inevitable interest of developers in this area, any future use of these lands is protected by its zoning, the official plan and the agricultural easement. The long-term use of these lands rests with the community and their elected representatives at the municipal and regional level.”

That was the position of the government in 2000. We see, with respect to that, that now the local and regional

municipalities are saying, “Take Cherrywood out of the greenbelt; put it in a designated growth area.” That's similarly our request. Thank you.

**The Chair:** You've left about 30 seconds.

**Mr. Flowers:** Sorry.

**The Chair:** That's OK. Beginning with Mr. Hudak. That doesn't allow you three questions, just to let you know.

**Mr. Hudak:** Cherrywood seems to be a very emotive issue. Obviously Pickering council had made some moves which would make me think that some promises were made. Did the government make some promises surrounding Cherrywood? Were there any commitments made by government or government officials that something would change?

**Mr. Flowers:** Sorry, with respect to the province or—

**Mr. Hudak:** Yes, government officials, cabinet ministers, advisers. It just seems so curious that there's so much energy and emotion around this.

**Mr. Flowers:** All I can say is, certainly as part of the Liberal government's campaign platform, they identified the Duffins-Rouge Agricultural Preserve as lands that would be possible for inclusion in the greenbelt. But beyond that, from the 1970s through the 1990s, the government owned the lands with the intention of creating a community on these lands.

**Mr. Hudak:** But nothing more recent that would cause Pickering to take the easements off, for example? I'm just wondering if some signal was given by government.

**Mr. Flowers:** I think the city of Pickering recognized that they were the holder of the easements and they are entitled to remove them. They've gone through a growth management exercise that has identified these lands for development. They've adopted an official plan amendment that says they are to be developed. It's simply one step in that process.

**Ms. Churley:** Mr. Flowers, you know my position on this. I put out a press release stating it.

**Mr. Flowers:** I'd be happy to read it.

**Ms. Churley:** We won't get into that. I want to ask, what do you say to those who argue that the province needs to play a central role in land use planning? Often municipalities, and we've seen evidence of it, become captive to interests of developers for a number of reasons and sometimes take actions that are not sound planning decisions. What do you say to that argument?

**Mr. Flowers:** I think the province does have a role to play in planning, and, in fact, it does and it always has played a role. We can even note that this government has made modifications to the provincial policy statement. It has toughened up the language to say that planning decisions “shall be consistent” with the provincial policy statement, as opposed to “have regard to.” We'll see whether or not that results in different types of decision-making. But when you talk about trying to ensure that sound planning occurs and that planning is done right, we really have some concerns with the province's role now in Cherrywood. From the presentation I made and the

growth management exercise—certainly all the studies that we've done—I think the evidence is overwhelming that development in Cherrywood is sound planning. It's smart growth. In fact, the province is the one that is contemplating something very different that we would say is not smart growth.

**Ms. Churley:** She's not going to let me pursue this, which is really unfortunate.

**The Chair:** No. Nice try.

**Mr. Flowers:** We can do it another time, I'm sure.

**Mr. Rinaldi:** Thank you very much for the presentation. I don't see the relevance to the bill in front of us today. I really don't have any questions.

**The Chair:** Thank you for your delegation.

#### URBAN STRATEGIES INC.

**The Chair:** Our next delegation is Urban Strategies Inc. Mr. Berridge, welcome. I am anticipating some bell ringing shortly. So if they start ringing, I will stop the timer that I turn on when you begin speaking and we will recess and come back, and you will have the exact same time as when we stopped. I apologize that there may be an interruption in your delegation. We may have to go back and vote, but we do want to hear your delegation. Before you begin, could you identify yourself and the group that you speak on behalf of for Hansard?

**Mr. Joe Berridge:** Certainly. My name is Joe Berridge. I'm a partner with Urban Strategies Inc., which is a Toronto-based planning and development consulting firm, and I'm speaking on my behalf.

I'm here in support of Bill 136. We were involved in part of the Places to Grow document, particularly in advising on the 40%-60% technique for growth management. But I want to speak in support of it essentially as a professional planner. Our practice works all across the world in a lot of the developing countries, and they're all facing exactly this problem. There's a lot to learn from them about what to do and a lot to learn from them about what not to do.

I think it's important, first, to understand that the Toronto region, the greater Golden Horseshoe, has a problem that is probably larger than almost any other city in the developed world. It is growing at a rate on the order of 125,000 people a year. That is certainly larger than any city in Europe and larger than nearly all North American cities. The result of this is that we are going to be one very big urban place in the next decades. At some point in the next 15 years or so, we're going to become the third-biggest urban area in North America. We're going to pass Chicago. We're going to end up, at the end of the planning period that's contemplated by Places to Grow, with about 11.5 million people. This is a very, very sizable urban area and, frankly, it cannot be left to govern itself or we'll have an urban area that none of us have any interest in living in.

So growth management is essential for our quality of life. Unfortunately, for some, growth management does

mean intervention. It means not doing things the way you have done them before.

It's interesting to compare ourselves with other cities. There are really three cities that are interesting standards. Vancouver has adopted a standard that by 2021, 70% of the region's population has to be inside the existing urban area.

**The Chair:** You still have 13 minutes left, and I'll make sure you have 13 minutes left. We're just going to recess.

**Mr. Berridge:** Could I ask how long you're going to be, or is that an impossible question?

**The Chair:** Not too long; maybe 10 minutes.

*The committee recessed from 1752 to 1807.*

**The Chair:** We're going to reconvene. You have 13 minutes.

**Mr. Berridge:** What I was saying, essentially, is that I spend my professional life in a lot of cities all over the world. The Toronto region is experiencing growth pressures which are really larger than almost any other developed city, so this is something that you have to take very seriously.

We had a look to see what other cities are doing. Vancouver has set itself, rather than our 40% standard, a 70% standard. Sydney, Australia, has set itself a 60% to 70% standard. The United Kingdom has set itself a 70% standard for the entire country. So for us to select a 40% standard is certainly a very good start. We're currently doing about 15% to 20%. There is a lot of room, I think, for us to be able to move up and change the direction of growth so that we can achieve numbers that are comparable with what you might call the state of the art in growth management.

There are some centres, particularly in the United States, like Portland, which frankly are slipping back and aren't doing as well as we are. I think we can justifiably be reasonably proud of this initiative, which will put us, given the kinds of pressures we're under, in pretty good comparative stead to any other major western jurisdiction. But transit investment, infrastructure investment, is an essential complement. We are falling behind, again, by any comparison with other western countries. The absence of the federal government in urban transit development is really an anomaly. This is the only country of which I'm aware in which the federal government really does not play a significant role.

There's a second thing we're going to have to do: We're going to have to make it a lot easier to do the right thing. The structure of environmental assessments and, to some extent, of the OMB, is a substantial impediment to making smart growth management easy. To give you an example, on the major brownfields redevelopment of the Toronto waterfront we are subject to something in the order of 300 environmental assessments at both the provincial and federal levels. We decided we'd try to simplify it. We got it down to 200, but it was going to take more time. There is a terrible tangle of environmental assessments. It's one of the unhappy examples that the road to hell is paved with good environmental

intentions. We have replaced good environmentalism with procedural nightmares.

The last thing we're going to have to do is develop some sophisticated financial tools. We are, again, somewhat behind other jurisdictions trying to do this. Tax increment financing is a very clear mechanism that I think has gotten enough road-testing in other jurisdictions that it's something we could be using. Given our rate of growth, there really aren't the risks associated with it that there might be in other places. Brownfield tax credits, having a slightly more aggressive attitude toward brownfield rehabilitation—we can see that in the United States and Europe. I think that's something we have to do. Tax deductibility of transit passes, trying to go toward people's behaviour and incent good transit behaviour—that's the kind of thing we should be looking at. Frankly, we might have to get into something as radical as road pricing—more extensive tolling—as a behaviour management technique and also as a way of funding a lot of what we have to do. The 407 is an interesting example, obviously, of public-private partnership. We ought to be developing those kinds of mechanisms, because we're going to have to tap those capital sources much more aggressively.

There have been some criticisms, I'm aware, of Bill 136, and I'd like to deal with some of those. There have been criticisms that restraining the use of land is going to lead to house price appreciation—unreasonable increases in house prices. I think the economic truth is that what sets house prices is a much bigger set of supply-and-demand considerations. The fact that house prices are going way up right now—and if you read the Economist and other people, they're potentially going to go way down in a few years' time—really has very little to do with land supply. House prices are set by a much, much bigger set of factors.

There's been the whole question of whether or not we are taking away development rights. In the United States, in Portland, this has been a very big issue, and it has unwound a lot of the very good growth management planning they had there. I think that's not in the Ontario tradition, because development rights are essentially granted by the province. What I see does not remove urban development rights. What is essentially going on here is affecting agricultural use areas, non-urban areas.

There has been criticism that the growth management plan won't be effective. Again, in our study of growth management plans, the combination of the percentage mechanism plus a good fixed boundary that people stand behind and don't amend is actually a pretty effective mechanism.

There's a leapfrogging argument: "Won't this all just leap up into Simcoe county or over to Wellington?" You have to have a growth management plan for the entire greater Golden Horseshoe area, as well as just the constraints of the greenbelt, and that's why I like what we see in front of us today.

There have been criticisms of the sub-area growth strategy process. I must admit I have some sympathy

here. What we must not do in that process is duplicate the municipal or regional planning process. We've got to do those things quickly and effectively. I think things ought to be done in a matter of a few months, rather than even six months or a year.

In most places, the capability of regional and senior-level municipal planners is such that they know, for the most part, what they're doing. There are some boundary disputes; you heard some of those today. But those are the exception rather than the rule. There are places, particularly north of the greenbelt, where the province is potentially going to have to play a much more structuring role, but I think that this is something we should do quickly.

Essentially, stick to the big issues as a province. The province shouldn't be in local planning; it should be in infrastructure planning, in major allocation of population, in doing all the things either that a local municipality or region can't afford or that affect more than one municipality or region.

I don't see how we can do what we know we have to do—what is proposed to be done—without being interventionist. How interventionist the province has to be depends both on the capability of the area and on the kinds of issues and infrastructure that are required.

Back to the bill: I think what you have in front of you is something that is bold, that is at the world standard in terms of people wrestling with this particular problem. I think it's realistic, in that it understands what you can do. We are turning this great big ship of development until it catches up with the great big turn of demography of smaller households, and hopefully these things will marry at some time 15 or 20 years out. The evidence is that it's going to be effective. As I indicated before, the evidence is that it is absolutely necessary.

Thank you, Madam Chair.

**The Chair:** You've left a little less than two minutes for each party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I appreciate your comments and the knowledge you have in this area.

I wanted to come back to the issue of intensification targets and the fact that you mentioned some of the other jurisdictions that are doing much better than these. You say that this is a good start. The concern, however—Paul Bedford, whom I'm sure you know quite well, mentioned it in his presentation—is that it's important to increase the minimum intensification now for the impact to be realized, that the horse has already left the barn and if we don't get it right, right now, we're not going to get it right at all, and that we have to increase these intensification levels.

**Mr. Berridge:** There are two comments. One is, without getting into the technicalities, these targets are impossible to really compare across jurisdictions. For example, when you go to England, 60% sounds great, but then you realize that this great big lump of London is in there. If you look outside of London, it's actually 40%. So we're not doing too badly.

The problem we have to face—it's a judgment thing, and that's why I think the sub-area growth strategies will do that—is that the rate of growth we're experiencing is really greater than any of these other jurisdictions. So our ship of planning is a much bigger ship than other people have to turn. We are only doing 15% to 20%. I think we've got to be realistic. To go to something that's 60% intensification right off the bat is probably going to be a stretch too far.

**Ms. Churley:** If I had more time, I'd pursue that.

**Mr. Rinaldi:** Thanks very much for your presentation and for bringing your expertise to the table to help us with this.

One of the things you touched on is that we are growing at a rapid rate. It's time we need to do this. It's been ignored. Can you just give us some idea, if we don't proceed with growth plans in Ontario, what the outcome will be?

**Mr. Berridge:** I think you're going to have horrendous conditions in a whole bunch of areas. One outcome is that the immigration levels are going to stay the same; that's not something that's under our control. We're already looking at congestion levels, at air quality levels that are completely unreasonable. As we add, we're always adding on the fringe. We're always adding in the inefficient areas. So this whole cost of running this enormous city gets worse and worse.

The thing that concerns me is that we're adding the population of Montreal to Toronto in the next 30 years. You've got to think about it in those terms. Ask yourself the question: What parks do you add when you add the population of Montreal? What community facilities, actually, what universities, what concert halls, what quality of life do you add? What we are adding in this process is this magnificent greenbelt, which is really a huge asset. This is the Montreal, the Mount Royal, for this new urban area. If we don't do that, we're short-changing all of our future generations.

**Mr. Hudak:** Thanks for the presentation. A couple of questions, following on Ms. Churley's point about intensification and targets. Could some municipalities do better than 40%? Should there be a risk-reward, some sort of incentive, for municipalities to do that and those that can't?

**Mr. Berridge:** We're going to have to incent to get those targets anyhow. Just by way of comparison, and perhaps it speaks to this point as well, we've taken Toronto out of the 40% number. If you put Toronto in, we'd actually be at 60%. So we would be right up with those other standards. Toronto is all built up, so you get an automatic credit for that.

But yes, that's why I think we need to look at tax increment and financing; we need to look at tax credits. I hesitate to go there, but the whole municipal finance/development charge-based routine can sometimes incent the wrong kind of development. There seems to be a natural tendency that you get more development charges out of low-density and you get fewer costs out of lower density. So there are a lot of financial mechanisms that underlie the current development

pattern that I think we need to be looking at at the same time.

**1820**

The sub-area growth strategy should make precise that 40%, and it should vary from place to place and come with that package of inducements and, if you like, rewards and—whatever the opposite of a reward is—penalties.

**Ms. Churley:** Carrots and sticks.

**Mr. Berridge:** That's it, yes.

**The Chair:** We don't actually have time for another question, I'm sorry to say.

*Interjection.*

**The Chair:** If it's a yes or no answer, I'll let you ask the question.

**Mr. Hudak:** Transit investment: subway, light rail or buses?

**Mr. Berridge:** All of the above, but an emphasis on fixed rail, either light or heavy. Buses themselves will not change behaviour.

**The Chair:** Thank you.

**Ms. Churley:** Highways bad?

**Mr. Berridge:** No, you need to—

**The Chair:** Thank you. We're not going to get into that debate. Thank you for your patience. I apologize for the interruption.

iPLANcorp

**The Chair:** Our last delegation today is iPLANcorp. Welcome, gentlemen. I apologize for the delay in hearing your delegation, but we look forward to your presentation. You have 15 minutes. When you do begin, could you introduce yourselves for Hansard, if you're both going to speak? When you begin your presentation, you'll have 15 minutes.

**Mr. Bob Forhan:** Thank you very much, Madam Chair.

**The Chair:** You do have to sit down to introduce yourself. Hansard won't be able to hear you otherwise. We won't be able to capture what you tell us.

**Mr. Forhan:** My name is Bob Forhan. I'm the president and CEO of iPLANcorp, which is a Newmarket-based real estate planning consulting firm. With me is Nick Pileggi, who is a member of my staff. I am a registered professional planner. I've been practising in this industry for 20 years, both in government and in the private sector. It is really interesting that I happen to follow Mr. Berridge, who is really quite eminent in our field and has travelled extensively. It's really quite interesting to hear his remarks.

Is it OK if I stand now and do my presentation? Do I have to sit?

**The Chair:** I'm sorry. I hope it doesn't affect your flow.

**Mr. Forhan:** This will be interesting.

We are here today representing Davis Downs, which is a landowner marked in red on the map. Their lands are located on the north side of Davis Drive between High-

way 404 and Woodbine Avenue, and they are on the east side of Newmarket, within the town of East Gwillimbury and on the north side of the town of Whitchurch-Stouffville.

As you can see by that map, Newmarket is quite a burgeoning municipality, to the point where it has virtually no lands left for development. In fact, all of the land in Newmarket is designated for growth. It's very likely that its land will be built out within the next five to seven years, and therefore will be constrained for future redevelopment, and future development to support what redevelopment activities go on in the town.

The next map is the greenbelt map. As you can see, the east side of Newmarket is completely designated as greenbelt. We view this as a bit of a concern for Newmarket and also for our client's lands because they abut what is an extensive piece of infrastructure, with Highway 404, and are designated as greenbelt.

The next map, which you are all familiar with, is the Places to Grow map. You will see that on the right side of the Newmarket-East Gwillimbury area is marked the 404 corridor. You will also note, which is interesting, that the 404 corridor within the greater Golden Horseshoe is really the only major piece of road infrastructure that has urban on one side and greenbelt on the other side.

I go back to the Newmarket aerial photo, which is shown in a closer view. What you'll see there, in terms of site context, is that the site is devoid of any natural features. It is a less-than-priority agricultural land use; in fact, the lands are very fragmented. To the east of the site actually is an existing industrial area, which is served by municipal services. To the north of that site is also a material recovery centre that is operated by the region of York. Immediately on Davis Drive, which is the south border of our client's lands, are municipal services. So we have municipal services and significant road infrastructure, both regional road and highway, but we are designated greenbelt.

Our observations in York region are that Newmarket is a unique area, because it is the largest urban centre north of the Oak Ridges moraine and has been designated as an urban growth centre. But there is no more land for Newmarket. This site, along with other lands on the east side of Newmarket, presents a real opportunity for Newmarket to accommodate its future growth.

The next slide says something that you're all familiar with, which is that the Places to Grow policy states, "Municipalities are encouraged to designate and preserve lands in the immediate vicinity of existing major highways ... and associated retail, office and ancillary uses." There is a conflict here, from our perspective, and we are hoping, through our submissions, that Places to Grow will designate the 404 corridor as a future growth area. Notwithstanding the fact that it's designated greenbelt now, designating it future growth now will secure the future use of that area for employment lands, which I think is really what is important here.

I'll go on to the next slide. The town of Newmarket, as I've said, is designated as an urban growth centre. You're

familiar with the town: It's 80,000 people; it's growing to 100,000 people, and that build-out will be in the next five to seven years; it is the northern centre for York region; it is the seat of government for York region; and it has major facilities, such as the Southlake Regional Health Centre, the regional administrative headquarters, York region police, the courthouse and the Upper Canada Mall. In fact, Newmarket really serves not just Newmarket; it serves East Gwillimbury, Georgina, Whitchurch-Stouffville, Uxbridge, King township and Bradford West Gwillimbury. Everybody comes to Newmarket to use the services in Newmarket.

The next slide says that urban growth centres will be planned to serve as major employment centres in the greater Golden Horseshoe. With Newmarket having a constrained employment land supply—in fact, the Hemson Consulting report says that there are 60 net developable hectares remaining in Newmarket, which would equate to about 2,700 jobs. That is less than 1% of the full employment requirements over the next 30 years in York region, while Newmarket currently has 10% share of population and 10% share of employment. These numbers will completely reduce Newmarket's position in the region of York from really functioning as an urban growth centre

#### 1830

I want to refer to slides that are on pages 13, 14 and 15. These are quotes that are coming out of recent resolutions that you are all familiar with, from the town of East Gwillimbury, which says that it has asked the province to remove the lands between 404 and Woodbine Avenue from the greenbelt. The region of York had asked that these lands be removed from the greenbelt to permit strategically located employment lands in areas such as the 400-series highway corridors. The town of Newmarket says it reflects an opportunity to support growth for employment lands in appropriate locations, with minimal infrastructure expansions, as contemplated by the Places To Grow discussion paper. It should be reviewed to determine if the policies continue to support growth in this area. If so, the town of Newmarket should seek to make a joint request with East Gwillimbury and Whitchurch-Stouffville to the province to amend the greenbelt plan to remove the area between 404 and Woodbine Avenue from the protected countryside designation.

So our submission to this committee is that the Highway 404 corridor be designated as future growth area, and specifically for employment lands. I'd be happy to answer any questions of the panel.

**The Chair:** You've left two minutes for each party, beginning with Mr. Rinaldi.

**Mr. Rinaldi:** Thank you very much for your presentation. I have a question that's taking advantage of your professional expertise. You talked about a specific piece of property in general. We're talking about Bill 136. As a planner—not to take anything away from the rest of your presentation—what suggestions can you give us as a government to improve Bill 136, if you want to go there?

**Mr. Forhan:** What I'd like to see is that the Places To Grow legislation consider lands beyond the next 10 years. I know that the policies really look to 30 years out, but in terms of the land supply I think it's a real concern, especially in the Newmarket area. In the Toronto area, in the Markham area, in the balance of the area south of the Oak Ridges moraine, I think that the policies are well written; I think they support the land supply there, and I'm actually in full agreement with Mr. Berridge in terms of intensification requirements and what could be done there. But in Newmarket—specifically Newmarket north of the Oak Ridges moraine—that is a real problem, because it's a constrained municipality. I'd like to see no political borders, frankly. I think if there were no political borders north of the Oak Ridges moraine in York region, you'd see a city that would develop and really look after how a community should be planned. It's got the great infrastructure already there, but it's going to be very much underutilized.

**Mr. Hudak:** Thank you very much for the presentation. If I understood the lesson here, it's that Places To Grow doesn't seem to be very well streamlined with the Greenbelt Act with respect to Newmarket area.

**Mr. Forhan:** That's correct.

**Mr. Hudak:** It's quite a bit off?

**Mr. Forhan:** Right.

**Mr. Hudak:** Have you had any success in trying to get that point across?

**Mr. Forhan:** We are working at that now. In fact, we have applications that were submitted prior to the greenbelt legislation being introduced. We will be appealing the applications on this site to the Ontario Municipal Board. We expect full support from the town of Newmarket, the town of East Gwillimbury, the town of Whitchurch-Stouffville and the region of York in getting these lands at least designated in their plans for employment use in the future.

**Mr. Hudak:** This is not unique to Newmarket in York region. I think we've heard quite consistently about a concern of lack of employment land and growth land in the York region.

**Mr. Forhan:** That's correct.

**Mr. Hudak:** It's a complaint we've brought forward in terms of the ministries not having always been in sync, the ministers not in sync—one's at one pace, one's at another. Unfortunately, I think we're seeing some of the results, particularly here in York region.

The other general question I had for you was with respect to official plans and bringing them into com-

pliance with this legislation, the greenbelt, the Oak Ridges moraine legislation, the regular OP cycle. Do you have any view in terms of trying to make these things all work together, or is there a concern?

**Mr. Forhan:** They need to work together.

**Mr. Hudak:** So what's the concern? Why?

**Mr. Forhan:** The concern? I'm sorry?

**Mr. Hudak:** Do you have a concern that the different pieces of legislation have a different pace for bringing the OPs into compliance with the bills?

**Mr. Forhan:** Well, there's the pace of bringing plans into conformity, which wouldn't be what the local or the regional municipality would want. Then there would be, in the situation that we have, an appeal that we could take to the board and work out there with the support of those municipalities.

**Ms. Churley:** Thank you very much for your presentation. I see how your presentation relates exactly and precisely to the bill that we're dealing with today, Bill 136. Because of the short time, I just wanted to ask you a basic question, therefore, and that is, I guess, your professional opinion, given what you said today and what we know about the greenbelt. Do you see that the development is just going to leapfrog over the greenbelt and carry on from there anyway?

**Mr. Forhan:** We see that happening already in Bradford-West Gwillimbury. In fact, there are applications which I'm sure the committee is aware of in Bond Head. Let's make it clear that the people of Bradford West Gwillimbury currently use the facilities and services in Newmarket, they work in Newmarket and it's very likely that they will continue to come down to Newmarket.

**The Chair:** Thank you very much for being here.

Thank you to all the witnesses who are still here, to the MPPs and to ministry staff for their participation in the hearings.

Committee, please don't run away. I have a few little instructions for you. You're going to get a research summary, we hope, by about noon. That's the intended time that staff is going to try and have it to you, because the amendments to Bill 136 are going to be filed with the clerk by 2 o'clock tomorrow. That was the agreed-upon time. So you'll have a whole two hours to look at the research.

This committee stands adjourned until 3:30 on Monday—3:30, Tim—May 2 in committee room 151 for the purpose of clause-by-clause consideration of Bill 136.

*The committee adjourned at 1838.*



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