

January 25, 2019

**BY E-MAIL ONLY** ([housing.supply@ontario.ca](mailto:housing.supply@ontario.ca))

Rachel Simeon  
Director, Market Housing Branch  
Ministry of Municipal Affairs and Housing  
777 Bay St., 14<sup>th</sup> Floor  
Toronto, ON M5G 1Z3

Dear Ms. Simeon:

**Re: Response to Request for Comments  
Consultation: Increasing Housing Supply in Ontario (ERO #013-4190)**

Thank you for the opportunity to comment on the Ministry of Municipal Affairs and Housing's public consultation on "Increasing Housing Supply in Ontario", which requests input based on five themes:

1. Speed: It takes too long for development projects to get approved.
2. Mix: There are too many restrictions on what can be built to get the right mix of housing where it is needed.
3. Cost: Development costs are too high because of high land prices and government-imposed fees and charges.
4. Rent: It is too hard to be a landlord in Ontario, and tenants need to be protected.
5. Innovation: Other concerns, opportunities and innovations to increase housing supply.

The Toronto and Region Conservation Authority (TRCA) has an ongoing interest in residential development processes given our experience and roles as:

- A regulator under Section 28 of the *Conservation Authorities Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A resource management agency operating on a local watershed basis;
- A body with delegated authority in plan review to represent the provincial interest for natural hazards;
- One of the largest landowners (18,000 hectares) in the Toronto region; and
- A source protection authority under the *Clean Water Act*.

Informed by TRCA's experience in the planning and development process, this submission focuses primarily on opportunities and recommended actions related to consultation themes 1 and 5 noted above, which would contribute to positive outcomes for the Province's housing objectives.

### **Balancing land use needs**

TRCA supports the messages in the consultation document, "Increasing Housing Supply in Ontario," that creating more housing will help make home ownership and renting more affordable and give people more choice. We also agree with the statements in the document that describe housing as one of many competing interests for land in the urban areas of Ontario and that rules and processes exist

to ensure the health and safety of residents, protect environmentally and culturally sensitive areas, and support economic development and a vibrant agricultural sector. The document goes on to state that various regulatory requirements and approvals were established to serve specific public interests, policy objectives or government goals; and that efforts to streamline these requirements need to balance these multiple goals. Indeed, balancing these interests, objectives and goals is an exercise that TRCA undertakes on a regular basis in the roles outlined above.

TRCA's jurisdiction is the most highly urbanized, rapidly intensifying and redeveloping city-region in the Province. As a result, TRCA expertise and experience is in addressing the integration of key provincial policy priorities such as:

- 1) Protecting people, property and infrastructure from the natural hazards of flooding and erosion and for protecting and restoring the natural environment, and,
- 2) The need for residential growth/housing supply and the substantial infrastructure projects to service growth.

TRCA recognizes the importance of efficiency, certainty, transparency and accountability in the development and infrastructure review processes, so that quality housing supply can be brought to market in a timely and environmentally sustainable manner.

#### **Front load the process for more certainty and innovation**

Ultimately, the advisory and regulatory responsibilities of conservation authorities in the development process are not about slowing or preventing development and all its attendant economic benefits. Rather, they are about good environmental planning which includes the municipality, the conservation authority and the development industry taking a comprehensive, creative and collaborative approach early in the process. TRCA finds that when these efforts to compile all required information to make decisions are made early and done well, it leads to innovative urban designs that result in shorter review times and more timely approvals and cost reductions in the short and long term for all stakeholders. This collaborative approach, which includes provision of high quality in appropriate formats information at the front end of the development process, also helps to avoid appeals to the Local Planning Appeal Tribunal thus avoiding delays, costs, and uncertainty associated with these appeal processes.

Overall, more effort upfront in the planning process to coordinate and project manage complete applications taking into account public agency information requirements provides greater clarity, more certainty, opportunities for innovation, and better enables timely approvals of residential development and its supporting infrastructure.

#### **Critical role of conservation authorities in a growing and intensifying city-region**

TRCA exercises all of its roles and responsibilities in the planning and development process in accordance with the Province's "Policies and Procedures for Conservation Authority Plan Review and Permitting Activities" (2010). TRCA regulates development in or near valleylands, rivers, streams, flood plains, wetlands and the Lake Ontario shoreline in accordance with section 28 of the *Conservation Authorities Act*. Further, where applications for new residential development and/or servicing fall within TRCA regulated areas, TRCA works with both private and public proponents to

facilitate sustainable development and infrastructure that is adequately set back and protected from natural hazards and/or from environmentally sensitive areas.

We also work with our provincial and municipal partners to seek opportunities for remediation and restoration to reduce risk and increase resiliency where comprehensive redevelopment/community revitalization is proposed that includes areas of historical residential development within the flood hazard. In this way, increased housing supply is facilitated while risk is reduced and provincial and municipal policies for public safety and environmental protection are upheld.

The natural resources that TRCA is charged with protecting under the *Conservation Authorities Act* convey many benefits to humans – these “ecosystem services” of nature become that much more important when housing is increasing/urban areas are expanding and intensifying – clean air, water, retention of storm and flood waters, greenspace and trails for recreation and mental health.

### **Providing certainty through clear policies and guidelines**

The provincial policy framework in Ontario clearly sets out what is important to protect and manage in the context of development and redevelopment adjacent to dynamic natural systems. Policies in the Provincial Policy Statement (PPS) and the Provincial Plans on natural hazards, natural heritage and water management direct municipalities on where and how to grow. In addition, the PPS guides land use planning to serve the public interest and deliver development that balances economic, environmental and social objectives. Such clarity should be maintained and strengthened in upcoming reviews in order to provide certainty to all stakeholders in the development and infrastructure planning processes.

TRCA’s own policy document, “The Living City Policies” (2014) is consistent with the provincial framework in its policy intent and supporting technical guidelines. In addition to describing all of TRCA’s roles in the planning process as listed above, the document directs staff participating in the review of applications under the *Planning Act* and the *Environmental Assessment Act*. Adhere to the Living City policies helps to ensure that the applicant and municipal planning authority are aware of the section 28 Regulation permitting requirements under the *Conservation Authorities Act*, where applicable, and assists in the coordination of these applications to avoid ambiguity, conflict and unnecessary delay or duplication in the process.

Further, TRCA works routinely with provincial agencies, (e.g., Metrolinx) utilities (e.g., Enbridge) and other public infrastructure providers, which may be exempt from TRCA’s section 28 Regulation, to achieve shared objectives for sustainable infrastructure planning that supports growth in the residential sector.

Other measures that support streamlined review processes and limit re-submissions are TRCA’s ongoing pre-consultation and training efforts to educate applicants that include:

- regular meetings with municipal staff to “triage” applications that are pending agency circulation;
- for residential and all types of development and servicing, TRCA has technical guidance documents to assist proponents in the application process, to scope reviews and expedite timelines while ensuring policy and regulatory compliance;

- TRCA-lead stakeholder workshops on application requirements and technical guideline training to assist proponents in preparing their submissions;
- where there are minor residential works affecting natural hazards or natural features, TRCA has a number of streamlining initiatives in place such as staff delegated approval of permits.

The governance model of conservation authorities as watershed-based jurisdictions facilitates coordination of local technical expertise to inform municipal decision making. The leadership of our municipal partners has enabled innovation in climate change research, strategies and technical guidance tools that help solve block and site plan design challenges within residential developments affected by dynamic natural systems.

### **Further delegation of plan review responsibilities to conservation authorities**

TRCA recognizes that in Ontario, the permitting and approval process for development can be lengthy and complex. To avoid redundancy in reviews under the *Planning Act* and *Environmental Assessment Act*, TRCA and its member municipalities have developed memorandums of understanding (MOUs) and service delivery agreements (SDAs) to establish review roles and technical clearance responsibilities for conservation authorities within the municipalities' watersheds (e.g.s, Durham Region has an MOU with TRCA and its four other conservation authorities to improve efficiency and process certainty for development approvals. Metrolinx and TRCA have an SDA setting out TRCA areas of review and timing for Metrolinx undertakings).

In some cases, overlapping review roles still exist. For example, in the Greater Toronto Area, stormwater management plans for development are reviewed and approved by the local municipality (owner and operator), the conservation authority (watershed manager) and the Ministry of the Environment, Conservation and Parks (Environmental Compliance Approvals). There may be an opportunity to streamline approvals and allow for more housing to reach the market faster while not compromising public safety (from natural hazards) and the environment. Other opportunities to more efficiently streamline approvals and review in the GTAH exist with work conducted by the Ministry of Natural Resources and Forestry (MNRF) and conservation authorities. TRCA suggests that further leveraging of conservation authority expertise in natural resource management for development and infrastructure, where capacity exists.

In light of all of the above, **the following are recommended actions and opportunities** the Province could pursue to achieve their housing objectives.

### **Proactive Planning**

- **Maintain the natural heritage, natural hazard and water management policies of the Provincial Policy Statement and the Provincial Plans** as critical land use provisions for the development of safe, healthy and affordable communities.
- **Invest in proactive sub-watershed work** early in the planning process. This would include a comprehensive assessment of natural hazards, stormwater management and overall master planning lead by the municipality and supported by the conservation authority. This would go a long way to accelerating strategic identification of areas that could accommodate more housing.

- As part of **comprehensive zoning by-law updates**, municipalities could pre-zone for the appropriate development types in Major Transit Station Areas, Urban Growth Centres, major corridors, etc. with pre-defined, non-negotiable natural heritage systems with appropriate buffers. However, this would need to be done strategically with adequate information acquired in the front end of the planning process to better inform where development should be located and how it is to be designed, (e.g., stormwater management master planning and comprehensive flood risk assessments to ensure no impact to existing downstream development). It would also be necessary for the Province to provide adequate funding to municipalities for sewer, water, and transit infrastructure in pre-zoned areas.
- Conservation authorities, municipalities and developers could work more closely in the development of site plans by participating in **upfront collaborative approaches** that bring expertise from all approval authorities together. This would assist the development industry in attaining certainty around what is required for a complete application while allowing for new and innovative approaches to be implemented. One such example is the revitalization of the Black Creek corridor at Jane Street and Highway 7 in the City of Vaughan as a precursor to the Vaughan Metropolitan Centre urban growth area. City-facilitated urban design workshops/charettes with public agencies and landowners collaborating on urban design resolution resulted in a “win-win” for the environment and development.
- Undertake a review of Special Policy Areas and other flood vulnerable areas that are in need of revitalization, the purpose for **implementing remedial capital works to reduce lands impacted by natural hazards such as flooding**. This may allow for new growth areas in existing urban boundaries that did not exist before. TRCA has experience working with stakeholders in the planning and environmental assessment processes for innovative technical solutions for development and site design in flood vulnerable areas where appropriate, (e.g., Lower Don Redevelopment, Downtown Brampton Revitalization).
- Undertake a review of what built heritage assets owned by TRCA could be adaptively re-used with support of community, government and industry partners to support housing. TRCA has worked with community organizations including 360 kids to help house at risk youth in Markham in TRCA assets.

### **Streamlining and Delegation**

- **Transfer the review of Environmental Compliance Approvals (ECA)** along with associated resources for stormwater management under the *Ontario Water Resources Act* to conservation authorities that have the expertise in place and that have completed watershed plans with set stormwater management targets to ensure provincial interests are protected. Currently, ECAs can take up to one year, whereas conservation authority approval times could be achieved in 60 to 90 days.

- Streamline provincial environmental approvals by having **conservation authorities (CAs) with expertise and capacity play a larger role in undertaking wetland evaluations and approvals, and staking of provincially significant wetlands.** These wetland evaluations involve MNRF but they are typically unable to respond within the timeframe requested by the building industry. CAs could also expand their role in wildlife management by administering fisheries timing windows and wildlife collection permits, which are currently lengthy processes that can impact the timing of housing projects. In addition, CAs could play a role in the application of the *Endangered Species Act*, which could include habitat delineation, permit negotiation and issuance, timing window application and Overall Benefit Permit planning and implementation.
- MECP Records of Site Condition (RSC), Site-Specific Risk Assessments (SSRA) and issuance of Certificates of Property Use (CPU) can take years to complete. **Using technical resources from conservation authorities** during the review process may be an opportunity to streamline these approvals.
- **Delegate comprehensive updates of MNRF Technical Guidelines** for natural hazards (2001) to conservation authorities based on our technical expertise in flood and erosion risk delineation and mapping. TRCA has worked with MNRF and MOECP staff in the past to inform the Province's work on updates to technical guidance for implementation of provincial policies.

Thank you once again for the opportunity to provide comments on this important initiative. TRCA would be pleased to discuss these and other opportunities for enhancing certainty and efficiencies in the residential development and infrastructure review processes where conservation authorities are concerned. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned.

Sincerely,



John MacKenzie, M.Sc.(Pl), MCIP, RPP  
Chief Executive Officer

BY E-MAIL

cc:

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