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Re: ERO # 019-1406 - Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act

Thank you for the opportunity to comment on the Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act.

I am writing to express concern over the changes described in this proposal in respect to how cities provide and fund parks through development. This proposal removes and alters important tools available to cities that fund critical infrastructure, like parks.

This proposal requires cities to choose between parkland dedication and instituting a community benefit charge. Both are necessary to create livable communities.

Allowing cities to require onsite parkland dedication is a key tool for growing cities, especially as land prices rise. This makes acquiring land through purchase much more difficult.

The recent COVID 19 pandemic crisis has underscored how crucial for our health is a healthy environment and how, especially in big cities, we all depend on green places and our parks to seek respite, enjoy view of wildlife to provide connection with nature, place to rest and explore.

Over the past couple of weeks thousands of people in all Canadian big cities, such as Toronto and Vancouver flocked to the parks instinctually to recover from stressful news and regain balance and resolve to cope with unprecedented crisis in their lives.

COVID 19 crisis revealed our inner need for nature that we seek in difficult times. For the big cities and urbanites this call can be on daily basis only answered if green spaces, parks and remaining natural ecosystems within the cities are available.

“OPINION: As we speak of plans for economic recovery and health through COVID-19, included must be funding and policy to safeguard and grow our parks and urban green spaces.

*Over the past few weeks the COVID-19 pandemic has caused an unprecedented shift in how Canadians relate to their environments and to each other. Borders within and between countries are closed, restricting our movements. Social distancing, or physical distancing, is a call to arms that has been made and embraced by many. And with places where we typically gather to connect, including cafes, libraries and gyms, shuttered, it becomes increasingly clear: **It is essential for our health that we continue to connect with nature, and that we protect and expand the safe, accessible places we have to do so.**” Dr. Melissa Lem is a Vancouver family physician, board member of the Canadian Association of Physicians for the Environment and director of Parks Prescriptions for the B.C. Parks Foundation. Robin Edger is the executive director of the Canadian Association of Physicians for the Environment. <https://theprovince.com/opinion/dr-melissa-lem-and-robin-edger-social-distancing-means-we-need-to-connect-to-nature-more-than-ever-safely>*

Parks are not simply places to relax and play, but critical pieces of infrastructure that help clean air, water, regular temperature, and mitigate the effects of extreme weather and keep us physically and mentally healthy.

Cities can choose to keep a limited version of the parkland dedication by-law, but one that strips them of the ability to collect land or cash based on number of units built. It would only allow cities to require 5% of the land area of new developments be dedicated to parks. This may seem technical, but it matters.

In the high-density developments that we’re seeing in the GTA, basing parkland dedication on land area alone limits the amount of parkland a city can get. Requiring 5% of land area works in lower density subdivisions. But when you have a small site for a high-rise tower, setting aside 5% of the land doesn’t give you much usable park space.

With so many cities in Ontario rapidly growing and densifying, putting aside land for parks doesn’t just happen—it requires strong regulatory & financial tools. This proposal removes or alters many of them.

Under the current rules in the Planning Act’s Section 42, Ontario cities are allowed to require developers to provide onsite parkland or, if that isn’t feasible or desirable, to provide cities with the cash value of that land. The idea is that cities could then go out and purchase a piece of land somewhere else (nearby, hopefully) to create a park.

The basic premise is that growth pays for growth. New buildings mean new residents mean more demand for parks. Therefore, new buildings should also help provide for that new demand through either land or cash for parks.

This growth pays for growth premise is a critical part of our planning process. It’s also expressed in tools like Section 37 and Development Charges, which can be used for parks. Both tools compel developers to pay for a portion of things like water and sewer infrastructure, transit, daycares, public art, etc. All things that are important for quality places to live.

This is why, for decades, the Province has allowed cities to require parkland based on number of units being built—a direct relationship to how many people will be living in a new development.

Under this proposal, even if cities wanted to keep this dramatically limited parkland dedication by-law, it would mean forgoing the ability to institute a Community Benefit Charge. Cities will have to choose.

This proposal will hinder the ability of cities across Ontario to provide parkland for the future which in view of our growing COVID 19 crisis experience seems totally counterproductive and not providing for sustainable cities. This is something we're already struggling with as land becomes more scarce and expensive.

Please, provide more time to consult with cities and their residents on a responsible way to provide the parks for our growing cities needs taking fully into account learning from COVID 19 crisis.

Thank you for attention. I trust that these comments will be considered in finalizing amendments to the Proposed regulatory matters pertaining to community benefits authority under the Planning Act, the Development Charges Act, and the Building Code Act.

Yours sincerely