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Thursday, December 8, 2022

The Hon. Stephen Clark
Minister of Municipal Affairs and Housing
777 Bay St.,
Toronto, ON M5G 2G2

Dear Minister Clark,

***Re: Proposed Planning Act and City of Toronto Act Changes
(Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)***

We oppose the proposed changes to the *Planning Act* and *City of Toronto Act*. These and other changes under Bill 23, including ones already passed into law, cause an unnecessary upheaval to provincial conservation and environmental laws and certain municipal powers. We note that this proposal comes at the very time when such protections are more important than ever to mitigate and protect people from the threats posed by climate change. Indeed, based on expert commentary, Bill 23 is highly unlikely even to achieve its apparent goal of increasing the housing supply, much less creating affordable housing.

In our submission, we focus specifically on changes to the *City of Toronto Act* and the Ontario *Planning Act* as they relate to the protection of migratory birds from window collisions.

For over a quarter century, the Fatal Light Awareness Program (FLAP Canada) has advocated for protections for birds from preventable window collisions. These efforts have resulted in the implementation of many effective measures, which have been especially welcome in the context of disturbing declines to migratory bird populations, with fatal window strikes among the leading causes.

Along their migratory flyways, birds are drawn into urban areas where they are deluded by building windows that reflect the sky, trees, and other safe havens. The decline in birds is a matter of serious public concern, not only because birds calm and enrich our lives with song, but they provide vital ecological services, including pest control, seed dispersal and pollination. In addition, bird watching is one of the most popular pastimes across the province, infusing millions of dollars into the economy.



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In Toronto, for example, the city has taken proactive steps to protect migratory birds from window strikes, beginning in 2007 with the celebrated Bird-Friendly Development Guidelines, and subsequently with the Bird-Friendly Best Practices - Glass. Over time, these guidelines have become mandates in the Toronto Green Standard. Since 2010, builders have been required to protect birds with measures that help birds perceive and avoid the lethal danger posed by windows. (The first 16 metres above grade of newer buildings in Toronto are today outfitted with “window visual markers,” often in the form of uniformly spaced dots.)

Bird-friendly building design features have been good for the birds, and therefore good for humans. In fact, many municipalities across Ontario (and North America) have adopted similar measures — a welcome intervention, given the province’s long-standing refusal to use its own authority to do the job. The benefits go even further. The green standard requirements have spurred the creation of a local industry --- and local employment --- to supply builders with materials to implement bird protection measures.

The government proposal upends the ability of municipalities to impose, through their site plan approval process, exterior design elements that oblige builders to use proven measures to spare migratory birds from preventable window crashes. The proposal would take away Toronto’s authority (under the City of Toronto Act) and that of other municipalities (under the Planning Act) to impose exterior building design features that protect birds.

It is for these reasons, among many others, that we urge you to repeal the *More Homes Built Faster Act*, and, specifically, not to proceed with changes that would remove municipal powers to protect birds from window strikes.

Sincerely,

Albert Koehl, Chair
Advocacy & Communications Committee,
Fatal Light Awareness Program (FLAP, Canada)

cc: planningconsultation@ontario.ca