



Comment on the Proposed Planning Act
and City of Toronto Act Changes -
Schedules 9 and 1 of Bill 23 - the
proposed More Homes Built Faster Act,
2022 (ERO 019-6163)

Dec 1, 2022
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About PRO

Parks and Recreation Ontario (PRO) is a non-profit association with over 6000 members that deliver services to more than 85% of Ontario's population. We are devoted to advancing equitable access to quality parks and recreation services. PRO champions the health, social, and environmental benefits of parks and recreation through advocacy and cross-sectoral partnerships. Our work includes policy and research, professional development, and our flagship quality standards program, HIGH FIVE®.

Introduction

Following the announcement of Bill 23, PRO conducted stakeholder consultations with several of our municipal members to create a written submission with key considerations and recommendations. Through these consultations, we learned that many aspects of Bill 23 will impact municipalities and their ability to provide parks and recreation services.

Specifically, PRO is concerned about changes to the *Planning Act, 1990* that promote the development of more housing at the cost of green space. These amendments will erode the authority of municipalities to develop healthy, vibrant communities and will have economic, environmental, and health-related implications for all Ontarians. The three key provisions of particular concern to PRO members are discussed in detail below.

Reduction or Exemption of Parkland Requirements

Recommendation: Bill 23 proposes an amendment to Subsection 42 (3) of the Planning Act that reduces parkland dedication requirements from one hectare of land per 300 dwelling units to one hectare of land per 600 dwelling units. PRO strongly advises the government to strike this amendment to maintain the current levels of parkland in Ontario's municipalities.

The proposed legislative changes will result in the decline of parkland provision, disproportionately impacting municipalities experiencing rapid urbanization. This will have several effects on communities across Ontario.

Social Impact

With the 50% reduction of parkland requirements for high-density residential developments and a cap at 15% of the area or value of land, residents of these new developments will not have meaningful space to recreate. This is amplified when taking into consideration the parkland exemption for affordable and attainable housing. Access to parks and recreation facilities is a social determinant of health and is correlated with increased physical, social, and mental well-being by offering opportunity for physical activity and to connect with nature. Young people that have access to recreation are less likely to turn to smoking, drug or alcohol abuse, and crime¹. Reducing parkland dedication requirements threatens to undermine the social health of communities across Ontario. In addition, this will put a greater burden on the current parks, resulting in overuse, quicker degradation of infrastructure, and the spillover of recreation into ecologically sensitive areas.

Environmental Impact

We are currently amid a climate emergency, with summer temperatures soaring. In cities and towns where temperatures are compounded by the urban heat island effect, the

creation of accessible green spaces help combat intense heatwaves by offering outdoor respite. While suburban living is flush with backyards and public park space, densely populated urban areas are operating at a parkland deficit. In order to create livable communities that can withstand increased temperatures, green space will need to be accessible to all communities.

Economic Impact

Parks also increase property values and make communities more desirable places to live and work. It is unclear how the savings awarded to developers by excluding park space for new communities will be passed on to home buyers or renters. Municipalities have quantified what reducing the parkland dedication will cost though, with the City of Toronto estimating \$30 million lost annually in parkland revenue². As it stands, Bill 23 contradicts the principle of growth pays for growth and will place this financial burden on the taxpayer.

Municipalities are already planning for significant property tax adjustments to maintain current levels of service provision. The Association of Municipalities Ontario (AMO) is estimating \$1 billion in costs that will be transferred from private developers to taxpayers through Bill 23³.

Conclusion

Caps in parkland dedication quotas for medium and high-density developments may encourage intensification in the short run but do so at the cost of green space, the health of Ontarians, and the taxpayer. It will undermine the ability of local governments to provide high-quality parkland that matches the anticipated growth of their communities. As such, the amendments to sections 42 and 51 of the *Planning Act* threaten to undercut the quality of life and bank accounts of Ontarians.

Restriction on Cash in Lieu

Recommendation: PRO recommends the repeal of amendments made to section 42 (3) and (16.1) to provide municipalities with the maximum level of flexibility needed to support sustainable growth that features high quality parkland.

Through stakeholder consultations, PRO found that the cap in cash in lieu for medium and high-density parkland dedication requirements also poses a significant threat to how local governments can procure parkland for their communities. The proposed legislation would implement a 10% cap on the amount of land that can be converted or paid in lieu or its value for sites under five hectares and 15% for sites greater than 15 hectares.

Financial Impact

Changes to this section will result in more than a 50% reduction in cash in lieu for some municipalities. Amendments to the *Planning Act* that require municipalities to spend or allocate 60% of their cash in lieu reserves means that many local governments will have to forego long-term saving for hereto unknown parkland costs in favour of short-term “gettable” acquisitions. This is likely to reduce the quality of parkland that municipalities can procure.

Environmental Impact

Ontario is at a critical point for purchasing parkland in urban areas. With the population expected to increase another 5.6 million over the next 25 years, municipalities must act now

to dedicate parkland, or they will lose the opportunity to do so. As the Mississauga Parks Plan, published in 2022 outlines, “It is assumed that most of this [population] growth will locate in high-density, transit-oriented areas. As such, it will be critical to proactively plan for and acquire parkland to ensure that the City is able to deliver parks that support the quality of life in these communities”⁴.

Parkland Requirements

Recommendation: PRO strongly recommends that the amendments to Section 42 (4.30) and (4.31) be repealed in favour of existing legislation to ensure the health and long-term viability of parkland particularly in urban centres.

The amendments to parkland requirements will significantly affect the quality of parkland and long-term service provision. The proposed changes to these sections redefine acceptable parkland dedication to include encumbered parks—spaces that are restricted by things such as underground parking or utility structures—and privately operated publicly accessible spaces (POPS). Both make long-term service delivery and maintenance challenging.

Encumbered Parks

Encumbered parks by their nature are less accessible and lower in quality. In urban areas, these types of green spaces are often built on top of structures such as parking garages, meaning significant infrastructure, such as a gazebo or spray park, cannot be built and trees cannot be planted, thus reducing the quality and usefulness of the green space. This creates an equity issue around access to green spaces in communities. Residents of these developments will have reduced access to high quality green spaces and a lower quality of life than those living in older developments.

Privately Operated Publicly Accessible Spaces (POPS)

POPS place the responsibility of long-term maintenance on private corporations such as condominium boards that cannot be held accountable publicly, cut the space off from community consultations on usage, and create barriers in how municipalities are able to offer programs in the space. While a municipality could introduce a community garden, a mural wall, and a weekend market to a public park, POPS require the municipality to work with private bodies to deliver services, limiting these community activities. Given the speed of the consultations, there is little time to develop the mechanism for outreach and coordination with private organizations. While POPS offer some green space, they often discourage public use by being inaccessible, gated, or implementing rules such as no walking on the grass or no pets. In addition, POPS place further financial burden on homeowners, feeding into the province’s affordability issue.

Housing Supply Action Plan Implementation Team

Recommendation: PRO urges the government to establish the Housing Supply Action Plan Implementation Team in rapid order and to work with key stakeholders such as AMO, MFAO, AMCTO, and PRO that represent the needs of municipalities.

Conclusion

PRO appreciates the opportunity to address these specific concerns related to the proposed amendments to the *Development Charges act, 1997*. PRO has focused the comments on strengthening the proposed regulation in order to ensure vital community infrastructure and services are maintained. There continues to be concern among stakeholders that Bill 23 as it is written will undermine the ability of municipalities to build healthy, vibrant communities and will ultimately be a detriment to the health and wellness of Ontarians. PRO looks forward to working with the province to ensure municipal parks and recreation service providers are included in the Bill 23 consultation and implementation process.

For additional information, please contact:

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