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## Letter to Premier Doug Ford

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Subject: *Bill 23, More Homes Built Faster Act, 2022*

To: Premier Doug Ford [premier@ontario.ca](mailto:premier@ontario.ca)

From: Royal Architectural Institute of Canada (RAIC)

Date: December 6, 2022

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Dear Premier Ford,

This letter is to express our concerns with Bill 23, More Homes Built Faster Act, 2022. In your words, this act was proposed to build 1.5 million homes over the next 10 years to solve the housing crisis problem that “simply aren’t enough homes being built”<sup>i</sup>.

Although we agree that there is a critical housing crisis problem in Ontario, we do not agree with many of the changes included in the Act. Our main concerns are that Bill 23 leads to sweeping changes to the province of Ontario’s natural heritage and land use planning legislation policy which weakens environmental protections and effectively extinguishes the roles of Ontarians in land use planning and decision making. Furthermore, we do not believe there was enough stakeholder engagement and consultation in the process to develop Bill 23 nor do we think that simply building 1.5 million new homes will meaningfully solve the housing crisis. Finally, it is our firm belief that design reviews as part of the site plan review process, have promoted the quality of the built environment where scale, public space and quality of materials and design have been encouraged. Removal of such is counterintuitive to positively supporting the growth of our communities where better design is now seen as the norm.

Areas of concern:

### **1. Removal of site plan control requirements for most projects under 10 units**

*Why is this a problem?*

By removing site plan control requirements, you are removing the ability for implementation and oversight of sustainable design and



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green building standards that should be encouraged. As such, municipalities will have little control over green building standards.

## **Solution:**

We are in support of reducing delays that may hold back the construction of housing, however, not at the cost of sacrificing the natural environment. We are confident that some reform of these processes at the provincial and municipal levels can have a positive impact so that everyone can find a home that meets their needs and their budgets and still maintain the greening required to cut greenhouse gas emissions.

What you may consider “red tape” is in fact critical to protect heritage, foster environmental responsibility, conserve and protect land, forests, rivers, farmland and wildlife habitats.

Fast-tracking community infrastructure and a housing accelerator to expedite zoning changes is also a concern. This will limit (municipal) authorities’ ability to weigh in on developments to issues of natural hazards.

The changes appear aimed at reducing the financial burden on developers and landowners making development-related applications and seeking permits from conservation authorities. As a result, the new homeowner shares a larger as the maintenance/upkeep will be high given the minimal requirements of the Ontario Building Code and increasing costs to heating/cooling.

We urge you to reinstate site plan control on buildings under 10 units giving municipalities the ability to set and control green building standards.

## **2. This legislation goes counter to what is required to address the climate emergency**

*Why is this a problem?*

Bill 23 repeals 36 specific regulations that allow conservation authorities to directly oversee the development process.

Conservation authorities were created in response to the deaths of



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81 Ontarians caused by flooding and infrastructure developed in hazard areas, specifically, Hurricane Hazel in 1954. That was a startling wake-up call to what can happen if we fail to plan. Conservation Authority permits (e.g., regarding water-taking, interference with rivers, creeks, streams, watercourses, wetlands, flood or erosion control) would no longer be required for development projects approved under the *Planning Act*.

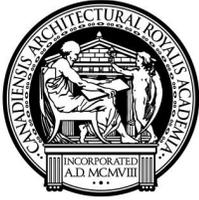
Green building standards are vitally important for our future. That is the direction building stock should go; building well-made, energy-efficient homes where energy bills are cheaper for Ontarians, where stormwater runoff can be controlled and where we can encourage the growth of our tree canopy. The land is our future.

This now means that Ontario's conservation authorities will no longer be able to consider pollution and conservation of land when weighing whether they will allow development. This is not consistent with the action that is required to tackle the climate crisis. It also removes municipalities' authority to set green development standards for new development.

*Bill 23 removes the ability to implement green building standards in the city of Toronto, which is a growing and thriving building sector. This will hinder the ability to green existing building stock—the leading cause of greenhouse gas emissions. -- Toronto Atmospheric Fund*

*The province has offered no evidence that the radical elements of the bill will improve housing affordability. It is more likely that the bill will enhance the profitability of the development industry at the expense of taxpayers and the natural environment.-- Association of Municipalities of Ontario*

*Bill 23 will lead to unsustainable suburban sprawl with negative impact on farmland and natural environment -- Canadian Environmental Law Association*



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## **Solution:**

Maintain conservation authority oversight. This preserves the goal of good development, and prevents unsustainable, dangerous development. We support the recommendation made by Forests Ontario that municipalities should retain the ability to enter into agreements with conservation authorities for review and comment on development applications such as natural heritage and water resource reviews.

Oversight is required to regulate or prohibit development that negatively impacts wetlands, rivers or streams.

### **3. Loss of 320 acres/day in Ontario to development**

*Why is this a problem?*

- Loss of wetlands and watersheds, rivers and streams
- Loss of wildlife habitat, leading to loss of biodiversity (e.g. fish, birds and other wildlife)
- Loss of forests and trees, nature overall
- Increased pollution
- Using conservation lands for development
- Threats to overall Ontario agricultural systems and associated natural habitats which are relied upon for significant ecosystem services
- Bill 23 reduces the amount of space that a development needs to allocate to parks, or the funding that will be allocated to parks, by approximately half.

## **Solution:**

Developments subject to Planning Act authorizations should not be exempt from requiring conservation authority permits, and conservation authority regulation should not be delegated to municipalities. The planning process is insufficient to ensure natural hazard concerns are addressed through design and construction alone. This places additional pressure, responsibility and liability on municipalities that could result, for example, in building permits being issued in error. Working beyond political boundaries is essential in the permitting role to consider impacts on upstream and downstream communities. Natural hazards must be at both site-specific and watershed levels to deliver on public safety.



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Bill 23 separates the protection of wetlands and other green features from natural-hazard planning. Conservation Ontario cites these are the features that slow the flood waters and the flows that we are trying to protect people and property from. For many municipalities that may not have the expertise to independently consider these matters when reviewing planning applications, this is a concern as it could elevate municipal liability and risk.

## 4. Opening up 7400 acres of greenbelt

*Why is this a problem?*

- Greenbelt has been protected for over 50 years
- Governments stated they would not touch greenbelt- this is backtracking on promises made to Ontarians
- We are in a climate and biodiversity crisis
- Trees and forests are integral in mitigation of climate change impacts (carbon sequestration, release oxygen)
- Detrimental to natural heritage system (forests)
- Limits access to parks and green spaces
- Damages farmland that in turn sustains communities- destabilizes infrastructure for food security
- Reduces protection from flooding

### **Solution:**

Conservation authorities are currently the first line of defense in preventing and reducing the impacts of flooding, which is the leading cause of public emergencies in Ontario.

According to the Toronto and Region Conservation Authority, the most practical approach to avoiding the impacts of flooding is prevention, including informed land use and infrastructure planning that recognizes the interrelationship between natural hazards and broader environmental issues. Conserving natural resources and features is intrinsically linked to managing flood and erosion. Do not roll back environmental protections of critical natural environments. Instead, ensure protection of natural infrastructure and even expand forests, wetlands and grasslands through reforestation to continue to build climate change resiliency and adaptation.



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Create a long-term vision of how to sustain the natural environment. The time is now to look beyond four-year windows of elected officials as periods of whether these aspects are going to be supported or not. Long-term, sustainable leadership and support is required to ensure we have the capacity to address nature-based solutions and to address climate change. Climate change is not the work of a few—it must be the efforts of many.

## 5. Lack of broad, comprehensive consultation with Indigenous communities and conservation groups and other stakeholders.

*Why is this a problem?*

- They have knowledges and understandings to assist with nature-based solutions and improve biodiversity
- Conflict has been created with communities in conservation areas
- Indigenous people have cared for the land for time immemorial, consultation is a must
- Stifles innovation- for example, according to the city of Toronto, Bill 23 will likely shut down innovative, new inclusionary zoning laws.

### **Solution:**

Meet with a broad range of stakeholders and experts including all the 36 conservation authorities in Ontario. This is a solution that requires everyone to contribute

## 6. The building of 1.5 million homes will not reach the people that need housing the most, those who are homeless or living in encampments.

*Why is this a problem?*

- The housing sector does not cater to those individuals who are homeless or living in encampments
- A good housing strategy includes housing for all, not just building stock that is affordable/accessible by a few.
- Good housing also considers expenses required to maintain and operate the housing, which is not considered in Bill 23 as there are no obligations towards green technology, certifications, etc.

### **Solution:**

New homes alone will not solve the housing crisis, this also requires effort to level inequalities and financial disparity<sup>iiiiiv</sup>.



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## 7. Download costs to municipalities

*Why is this a problem?*

- Can lead to an adverse impact on the housing crisis- municipalities will be forced to, increase property taxes and make communities less affordable.
- Will force people into long, expensive commutes and unaffordable ways of living.
- Lead to increases in insurance costs because of the risk of increased costs from the damage of climate-fuelled extreme weather events.

## 8. Restricts individual and community group ability to appeal permits in the name of development

*Why is this a problem?*

- Democratic rights are removed
- Community members would not have opportunities such as public meetings
- Community members would be kept in the dark

## 9. Removes the exterior design review during the site plan application process

*Why is this a problem?*

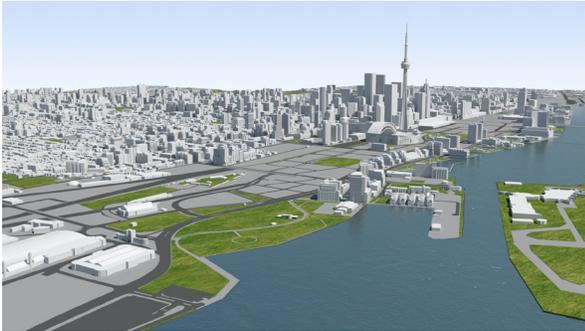
By removing 'matters relating to exterior design' as part of the site plan review process, we believe that this will significantly diminish the quality of the public realm and the liveability of our communities.

Design reviews as part of the site plan review process, have promoted the quality of the built environment where scale, public space and quality of materials and design have been encouraged. Design reviews are considered best practice nationally and internationally to maintain quality of design in the urban environment. Cities all over the world have adopted this process to ensure attractive and livable cities. The design review process positively supports the growth of our communities where better design is now seen as the norm.



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*Images of Toronto's downtown from 2006 to 2022: given the scale of development that has occurred in the last two decades, imagine what the quality of the urban core would be like if the public realm had not been part of the design review process? Image credit: City of Toronto Planning Division*

## **Solution:**

Maintain the original subsection and harmonize the design review process in Ontario to ensure it meets site plan timeline requirements and best practices.

## **CONCLUSION**

Solving the housing affordability and supply crisis will not occur by increasing the number of housing units alone. Bill 23 erases and replaces policy which protects natural heritage systems with policy designed to facilitate development and rewrites the rules for designating wetlands as worthy of protection.

From a climate perspective, Bill 23 upends conservation authorities' powers and the province of Ontario's wetlands protection system and undermines protection of wetlands, woodlands, rivers, streams and wildlife habitat across the province.

In its current format Bill 23 will have the unintended consequence of diminishing the quality of the built environment and the livability of our communities.

- We implore the Ontario government to demonstrate leadership by pausing implementation of Bill 23 and instead engage the broader community to solve this issue considering all critical factors, including climate change.
- We call for immediate repeal of Bill 23 with a focus on collaboration and consultation with leaders and stakeholders in the industry. In collaboration



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with municipal and provincial governments, we can produce the best possible outcomes for the people of Ontario.

The RAIC is here and willing to help find solutions not only for affordable housing, but also protection of the environment all the while speeding up the planning process. The architectural community can assist to find a more creative solution to building additional housing.

We respectfully request a meeting to discuss Bill 23 with you at the earliest convenience.

Looking forward to your response,

Jason Robbins  
President

Mike Brennan  
Chief Executive Officer

### **About the RAIC**

The Royal Architectural Institute of Canada (RAIC) is a not-for-profit, national organization dedicated to representing architects and architecture since 1907. The RAIC is the only national voice for excellence in the built environment in Canada focused on providing Canada's architectural community with the tools, resources, and education to elevate their practice. The RAIC is committed to showcasing how design enhances quality of life, while advocating for important issues of society through responsible architecture. The RAIC's purpose is to create a better world for all by empowering Canada's architectural community. Through our work, the organization envisions a strong architectural community that is valued and empowered to create change.

CC:

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<sup>i</sup> <https://www.ola.org/en/legislative-business/house-documents/parliament-43/session-1/2022-10-26/hansard#para216>

<sup>ii</sup> de Souza, Chance and Chapman (2015). Tackling our Housing Crisis: why building more homes will not solve the problem. GreenHouse Think Tank.

<sup>iii</sup> Aalbers, M. B. (2016). The great moderation, the great excess and the global housing crisis. In *The Financialization of Housing* (pp. 64-80). Routledge.

<sup>iv</sup> Gaetz, S. (2010). The struggle to end homelessness in Canada: How we created the crisis, and how we can end it. *The Open Health Services and Policy Journal*, 3(1).