

# NOVÆ RES URBIS

## GREATER TORONTO & HAMILTON AREA

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STAKEHOLDERS WEIGH IN ON MERITS AND DEFICIENCIES OF PROVINCE'S BILL TO INCREASE HOUSING SUPPLY

## HITS AND MISSES

Matt Durnan

On March 30, the province released the *More Homes for Everyone Act* for first reading. The new bill seeks to increase the province's housing supply as the push continues for 1.5 million new home builds across Ontario in the next 10 years.

If the act is passed, the impacts will be widespread. The legislation encompasses changes to land use planning processes, contemplates Building Code policy changes, and seeks to activate close monitoring of yearly housing starts to track the province's progress towards achieving its housing supply goals.

Response to the bill has been mixed, with housing industry experts being largely positive, believing the legislation will be a good first step in streamlining municipal planning application review processes and getting housing built faster. However, those same experts say that Bill 109 misses

the mark on closing the gap on "missing middle" housing types such as fourplexes and row homes. Similarly, environmental advocates are criticizing the bill for keeping exclusionary zoning in place.

Exclusionary zoning refers to the way that land use and building code requirements can exclude certain forms of housing from particular neighbourhoods. For example, zoning that only permits single-detached housing in the province's so-called yellowbelt. This makes it possible to build denser, multi-tenant forms of housing only outside those areas. It also pushes new housing development further out onto greenfield lands.

"We're gravely disappointed but not surprised," **Environmental Defence** counsel and Environment Ontario program manager **Phil Pothen**, told *NRU*.

"In our view, the government has chosen to keep

exclusionary zoning in place as a pretext for demanding that municipalities extend

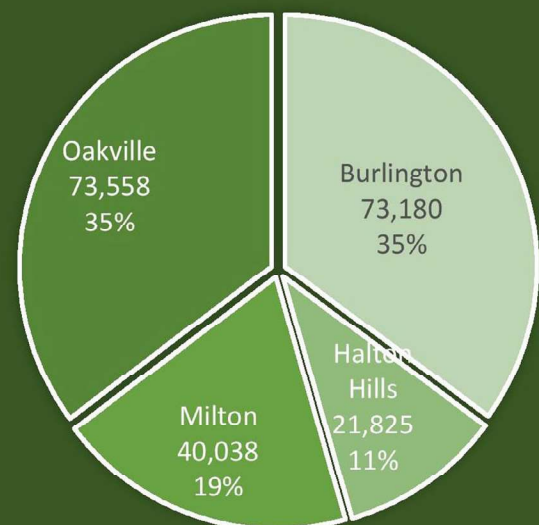
their settlement area boundaries in the current municipal

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Excerpt from Halton Region's highlights from the 2021 Statistics Canada Census. The Region's economic development division is developing a series of infographics to help illustrate information that emerges from data releases from the 2021 Census. Statistics Canada's February 2022 data release supplied information on population and dwelling count. See In Brief, page 2.

SOURCE: HALTON REGION

### Occupied dwellings in Halton's Local Municipalities in 2021



# HITS AND MISSES

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comprehensive review (MCR) process.”

The Greater Toronto and Hamilton area currently have roughly 35,000 hectares of greenfield lands sitting unused, and developers used around 10,500 hectares of greenfield land in the GTHA between 2001 and 2019.

**Stop Sprawl Halton** campaigners have been pushing for official plans to accommodate the entire projected demand for new homes in municipalities by increasing the minimum density for designated greenfield areas, and by getting rid of exclusionary zoning and replacing it with zoning that would not only permit, but would pressure landowners in yellowbelt areas to develop new housing in the form of walk-up apartments, townhomes and semi-detached homes.

“It is exactly the type of reform that groups like **More Neighbours Toronto** and **More Neighbours Hamilton** were calling for that wasn’t included in this legislation,” said Pothén.

“This is actually a conscious choice [of the Ontario government] in order to support their real thrust, their real plan, to push growth into new greenfield development to eat up as much as possible of the contested countryside and lock

that in before any future government is able to do anything about it.”

**City of Markham** Mayor **Frank Scarpitti** told *NRU* that he feels that more thoughtful densification needs to occur in Ontario municipalities, and while he praised the province’s efforts to take steps to increase housing supply, he also stressed that the importance of maintaining adequate greenspace can’t be overlooked in the process.

“We’re not opposed to density that makes sense in the right locations, but we still need amenities and if you cap our ability to capture parkland or to get money to buy parkland elsewhere...this formula they’re doing is fundamentally flawed. We believe the formula should be based on how many people live there, that it should be based on people, not on land,” said Scarpitti.

“It’s not the amount of land that creates the need for outdoor space, it’s the people. Open space intrinsically has value because it’s open space, but we need the parkland to provide the soccer fields, the baseball diamonds, the cricket pitches, that’s what people expect when they move into a community.”

Scarpitti also believes the province should be handing

over more authority to municipalities when it comes to things like Minister’s Zoning Orders (MZO), which have been used to accelerate development in sectors like long-term care, rental housing and affordable housing.

“There’s no reason why municipalities can’t have that tool, and I’ve actually suggested that [the province] give us the authority to do [that], only call it a ‘Municipal Zoning Order’, and have it be [used] for very specific uses,” said Scarpitti.

“If they want to, do a test run for three years and reassess after that, and evaluate how effective it’s been. They always tout how they’re able to cut through red tape with the MZO, but we can do that too if we had the authority.”

The *More Homes for Everyone Act* includes a policy tool called the Community Infrastructure and Housing Accelerator, which is designed to help municipalities accelerate their own planning processes by speeding up approvals for housing and community infrastructure such as hospitals and community centres.

However, Scarpitti says that this tool is for use on a case-by-case basis and requires public consultation.

“I don’t have a problem going out and having public consultation, but if it has to meet the same timelines that are currently under the *Planning Act* then we’re kind of defeating the purpose of having the tool. Again, I would say ‘good’ for having this tool but ‘give

the authority directly to the municipality,” Scarpitti said.

**Residential Construction Council of Ontario** (RESCON) president **Richard Lyall** was less enthusiastic about the prospect of increasing municipal planning autonomy, noting that it’s not always necessarily a good thing.

“Municipal planning autonomy has in fact resulted in part of the problem with housing, it’s kind of a form of NIMBYism in its own right, and we often associate NIMBYism with specific ratepayers’ associations, but it actually extends to the municipal level,” said Lyall.

“It’s important for municipalities and local communities to be able to determine how their municipality is going to grow, but the problem there is if everybody does that and we’re not producing enough housing to support our needs and our growth needs, then that’s contrary to the provincial interest.”

Lyall says that there are positives in the legislation, and that it is a good starting point, namely the government’s intent to more closely track data associated with housing plans through annual updates.

“This legislation takes a first cut at it, obviously we would have liked to see more, but we’re pleased that the government has taken action and have indicated that they’re going to be tracking this and certainly indicated that there’s more to come,” said Lyall.

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# HITS AND MISSES

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“There are a lot of neat things in this current legislation; the digitization, systemic improvements and things like data and centralizing that and tracking things better. I love that the government is calling for annual updates on annual housing plans.”

On the construction side of things, mass timber housing developers got some good news, as *The More Homes for Everyone Act* proposes changes to the Ontario Building Code that would allow for 12-storey mass timber buildings, would streamline modular multi-unit building approvals and would facilitate more infill multi-unit housing by considering opportunities for a single means of egress in four- to six-storey residential buildings.

“We’re super supportive of the legislation generally, but there are two aspects of the Building Code that we’re really excited to hear about,” said **R-Hauz** director of sales and marketing **Francesca MacKinnon**. R-Hauz develops mid-rise mass timber and prefabricated laneway housing products exclusively.

“Our product is a six- to eight-storey mass timber townhouse, so the top-up to be able to do up to 12 storeys is really exciting, as well as looking into allowing for one stair [means

of egress] in those [four- to six-storey] buildings.”

R-Hauz completed its first six-storey mass timber residential building last year and are looking to build as many of those as possible, and the Ontario government’s inclusion of their building type in this new legislation was a strong show of support that MacKinnon says was very much appreciated. “This ensures that the province is behind us and that the way we’re seeing things and [what we] had been pushing for over the past couple of years have support behind them,” said MacKinnon.

Allowing for single means of egress would also open up more options during the planning and building stages, as the current Building Code calls for at least two sets of stairs in all mass timber buildings.

“You have to have one at the front and one at the back, so it takes up double the amount of space, and this is specific to mass timber buildings, the same rule doesn’t apply to concrete and traditional alternatives,” said MacKinnon.

“So, when we build a product for a landowner and [are] running the numbers, this would give us some more free space to either put in another apartment or hallway or whatever it may be.”

Putting a stop to exclusionary zoning is a critical step that Environmental Defence feels was left out of the legislation, and Lyall echoed the sentiments when speaking with *NRU*, citing that roughly 70 per cent of the land in Toronto is zoned for single-family housing.

“I’ve always found it to be sadly funny that people complain when these monster homes are built on properties where you had a bungalow or something, and there’s a hue and cry about these homes, but the reality is that’s the only thing that could be built,” said Lyall.

“There was a great picture in an article I was reading, a picture of a streetscape in

North Toronto that’s actually a street with fourplexes that were designed to look like single-family homes; but they were built many years ago. We used to build things like this.”

“Why can’t we do that?” Lyall continued, “If you own a property and can put a triplex or fourplex or maybe three townhouses depending on the lot configuration, why can’t you do that? That doesn’t destroy a neighbourhood. In some of Toronto’s most vaunted neighbourhoods they used to build those things, so fixing that is a no-brainer.”

The full text of Bill 109 can be read online [here](#). 🌱

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