



JUNE 2019

Inside This Issue

Times Group LPAT prehearing conference delayed to November1

URA Comments on Bill 108 (More Homes, More Choices Act).....2

GO Expansion Project Moves to Next Phase of Procurement.....4

Your Voice Markham5

Summer Recess

We were glad to see many members dropping by at our booth during the 50th Unionville Festival on June 1st.

Our next meeting will be in September. See you then.

Times Group LPAT prehearing conference delayed to November

As discussed in our February 2019 newsletter, URA is a party to an LPAT appeal by Times Group regarding their development on the south side of Highway 7 between Birchmount and Warden. The next hearing date was scheduled for June 27. Times has now requested that the hearing date be moved to November to allow continued discussion with the school board on a school location. All parties concurred with the request. The LPAT granted the request and will provide new dates for November.

This new timing is helpful to the URA, as we have advocated for completion of a comprehensive secondary plan for all of Markham Centre before more approvals are granted. The secondary plan has now been tendered by the City, and hopefully portions of it will be completed in time to inform us about how to react to the Times proposal.



Open every Sunday from 9 am to 2 pm.

JUNE 2019

URA Comments on Bill 108 (More Homes, More Choices Act)

In early May, the Provincial Government tabled Bill 108 (More Homes, More Choice Act). It proposes to amend 13 statutes to make it faster and easier for municipalities, non-profits and private firms to build housing. This is a very important Bill, and URA chose the opportunity to comment on it. A letter was sent to the Honorable Steve Clark, Minister of Municipal Affairs and Housing.

As preamble, we summarized URA's long involvement in housing affordability, including our Affordability Forum in May, 2017 and a recent letter and meeting with Markham staff on promising initiatives that can be worked at the municipal level.

We indicated we supported the Province's objective of stimulating housing development in Ontario by increasing certainty, reducing costs, improving efficiency and streamlining the approval process. We offered the following comments on the draft Bill, in italics.

1. Timelines for Consultation Completely Unreasonable

It is astounding that a Bill that changes 13 different statutes, many in a major way, was given only 30 days for public comment. It is even more astounding that the legislation is scheduled for referral to the Standing Committee on Justice Policy on June 3 for a public hearing and then received by the House one day later on June 4, where it will proceed to Third Reading and Royal Assent thereafter.

It is also concerning that the draft Regulations, which will affect critical implementation details, including

financial impacts, are not yet available for public comment.

The URA strongly urges a go-slower approach. We believe the consultation on the draft Bill should be extended at least for 60 more days. In addition, draft regulations need to be published asap. The preferred 60 day public review process should 'not' begin until 'after' the draft regulation has been published, per normal government procedure.

2. Financial Issues Appear to be Significant

In the absence of draft regulations, it is difficult to make definitive comments on the financial impacts of Bill 108. But at first glance, they appear to be significant.

We are pleased that some services, including new water, wastewater, storm water, roads, transit and fire needs arising from development will continue to be funded as they are today. We are also pleased that waste diversion costs are now proposed to be 100% recoverable from development charges, versus 90% today.

URA believes that growth should pay for growth. We also believe that the level of services in our community for such items as parkland, libraries and recreation should not suffer as growth occurs.

The biggest issue relates to other soft services, particularly recreation, library and parkland. Currently costs for these from new development are recovered as part of Development Charges, Parkland/Cash-in-lieu levies and Section 37 funds. As we understand it, these will now be bundled in a new Community Benefits Charge which will be capped and likely be lower than today's components.

JUNE 2019

We strongly urge that the structure and cap of the Community Benefits Charge be set so there is no reduction in revenue versus today's approach. We do not want to see an increase in property taxes to cover service needs arising from development.

There is also uncertainty whether these financial changes will indeed reduce housing costs. Or will developers simply pocket the difference in fees, or bid more for raw land? Any permitted reduction in the total charges paid by a developer versus what is paid today should be directly linked to the provision of more affordable housing.

3. Shortened Timelines for Decisions on Development Applications will be Counterproductive

The Bill proposes major reductions in government timelines on decisions on development. For example approval of an Official Plan Amendment must be within 120 days versus today's 210 days. Many development applications in Markham are complex and require review by many agencies. They also require a statutory public meeting. They also often involve collaborative discussions up front between developer and residents. All of this takes time. We believe that the timelines in the Bill are unrealistic and will simply lead to more applications ending up at the LPAT, driving up costs and schedule.

4. Inclusionary Zoning (IZ) should be permitted beyond Major Transit Station Areas (MTSA)

IZ was identified at our 2017 Housing Forum as an important municipal lever to increase housing affordability. URA supports IZ. We believe that the Bill's restriction that IZ can only be used in MTSA is unnecessarily restrictive. There are certain intensification areas in Markham, such as Markville

Mall, Mt Joy or some employment land conversions that may not be designated as MTSA, but should still be eligible for IZ. Having IZ as a lever/bargaining chip during negotiations with developers on contentious issues like employment land conversions or property density could result in more affordable housing for the community.

5. LPAT Reversion back to "de novo" Evidence is Problematic

The changes made last year to give greater deference to municipal decisions on development applications were very welcome. The Tribunal rulings were limited to whether a municipality had followed Provincial Policies and its own plans and policies.

The proposal to allow LPAT to ignore Council decisions, and even hear new evidence, brings us back to the old OMB process which was too developer-friendly. The present LPAT rules should remain, as is, for a period of at least 3 years to see how they are working, before making any changes.

6. Conservation Authorities (CAs) need to continue to Review Development Applications in Detail and Engage in Watershed Planning and Resource Management

The URA tries to review and comment on all major development proposals in our area. We have found that the Toronto and Region Conservation Authority (TRCA) review of developments to be very informative and helpful. We are concerned that review of some aspects of development applications is no longer to be a core service of the CAs. TRCA review comments are provided today on the following aspects of a development: natural heritage, water resources, stormwater management and

JUNE 2019

natural hazard management. As we understand the proposed Bill, only natural hazard management will be reviewed. We urge that a mechanism be found where CAs such as the TRCA can continue to comment on development applications with the same broad level of review as today.

The CAs also provide a valuable resource in watershed planning and resource management, including Markham's 5 watersheds – Don, Rouge, Petticoat, Highland and Duffins –all of which extend beyond our municipal boundaries. It is unreasonable to expect individual municipalities or even regions to develop plans over such a large geographic area. We urge that watershed planning and resource management be restored as a core service.

There has also been considerable municipal and environmentalist pushback on Bill 108, including concerns with sweeping changes to the Endangered Species Act. Despite this, the Bill was passed in early June and received Royal Assent. The Province has promised consultation on the draft regulations, which are expected soon.

GO Expansion Project Moves to Next Phase of Procurement

The Province has taken a major step towards procurement of the massive GO Expansion (formerly Regional Express Rail) project. As readers recall, this project proposes 15-minute all-day two-way service on parts of 5 GO train corridors, including the Stouffville line to Unionville station. The Province has committed \$13.5B for capital construction.

The procurement of this project has proceeded in 3 stages:

1. A number of specific track, station and grade separation projects went to market in 2017/2018. Some of these, such as work on the Stouffville corridor and at Unionville station, are under construction. Others are still in the tender process, or may be woven into the "On-Corridor" package described below.
2. A second procurement package was released in early 2018 to construct 12 new stations, including 6 for Toronto's Smart Track. However, in November, the province withdrew the tender and announced it would pursue a new Transit Oriented Development approach that would have the private sector fund station construction in exchange for development rights. Since then, two new stations (Mimico and Woodbine) have been announced under this approach.
3. The third tender package is called "GO Rail Expansion On-Corridor Works". Interestingly, it uses outcome based specifications where the winner is required to meet key performance specs such as x trains per day between points A and B, trip times, on-time performance, etc. It is up to the proponent to figure out how to achieve this most cost-effectively – whether to electrify or not, construct new track or not, use other innovations. As with all large transit contracts in Ontario. It is a P3, where the winning bidder is



The Barn swallow is only one of numerous endangered species in Ontario that could suffer serious losses in habitat if Ford's plans movement forward. Photo courtesy of Ontario Nature

JUNE 2019

responsible for Desig-Build-Partial Finance- 30 years of Operation- 30 years of Maintenance. Media estimates of contract value is \$18B (\$9B capital + \$9B op/main). On May 30, the province announced the 4 qualifying teams and issued a Request for Proposals (RFP).

Another interesting aspect of this “On-Corridor” tender is that the Canada Infrastructure Bank (CIB) will finance up to \$2B of the contract, only its second transit deal in Canada.

The release of the RFP and the CIB financing for the “On-Corridor” project are good news, as they signify solid government commitment to this massive and vitally important project.



Your Voice Markham

Markham has a new community engagement website where residents can get information about important projects as well as give feedback on the projects.

Please visit the site and provide your feedback on plans for Winter Maintenance, Markham Centre, Active Transportation, and other important projects.

New topics are added regularly!

<https://yourvoicemarkham.ca/>

