

Date: November 21, 2022

To: Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario M7A 2J3

Via e-mail (MFPB@ontario.ca) and online submission

Subject: ERO Nos. 019-6163 and 019-6172
Proposed *Planning Act* and *City of Toronto Act Changes* (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)
Proposed *Planning Act* and *Development Charges Act, 1997* Changes: Providing Greater Cost Certainty for Municipal Development-related Charges

Dear Sirs/Mesdames,

I am pleased to write on behalf of Northcrest Developments (“**Northcrest**”) to provide comments on the amendments to the *Planning Act* proposed through Bill 23, the *More Homes Built Faster Act, 2022* (“**Bill 23**”). As outlined further below, Northcrest strongly supports the Province’s overarching objective of facilitating the development of more new housing faster. Doing so is critical to addressing the urgent need for housing and supporting the development of complete, sustainable communities, particularly in locations with existing higher-order transit infrastructure that is underutilized. In this regard, Northcrest appreciates the Province’s commitment to taking steps to address obstacles to creating new homes, particularly in locations where they are most needed to optimize public investment in transit.

The purpose of this letter is to provide comments on two aspects of Bill 23 in particular. First, Northcrest strongly supports proposed amendments to the *Planning Act* that provide a more flexible framework for parkland dedication. As outlined below, these changes will help facilitate sustainable approaches to infrastructure that promote climate resilience, as well as more vibrant and functional open space networks. Second, while Northcrest supports efforts to streamline the land use planning approvals process, we have significant concerns with aspects of Bill 23 that constrain the rights of landowners to appeal municipally-initiated official plan and zoning amendments, as such constraints are likely to undermine the Province’s overarching objective of facilitating more housing. Further, while Northcrest supports efforts to streamline and improve the efficiency of the land use planning approval process, we would encourage the Province to explore other means of doing so that continue to allow meaningful community participation.

Northcrest and the Downsview Airport Lands

Northcrest is a Toronto-based real estate developer wholly-owned by the Public Sector Pension Investment Board, which manages funds from the Public Service of Canada, the Royal Canadian Mounted Police, the Canadian Armed Forces and the Reserve Force. Northcrest is responsible for the planning and redevelopment of the former Downsview Airport lands in the City of Toronto, an approximately 370 acre site located in the centre of the Greater Toronto Area, surrounded by multiple higher-order transit stations (the “**Northcrest Lands**”). The Northcrest Lands, and the broader Downsview area of which they are a part (the “**Downsview Lands**”), represent one of the largest and most significant opportunities in the Province for realizing the vision of providing complete communities in a transit-supportive form to deliver on provincial policy objectives, including the creation of new homes in significant quantity.

In September 2021, Northcrest and the Canada Lands Company (which owns a portion of the Downsview Lands), submitted a Framework Plan for the Downsview Lands to the City, demonstrating a vision premised on establishing complete, connected communities and principles of sustainability, among other things. The vision contemplates the

Downsview Lands accommodating over 80,000 residents upon full build-out and over 40,000 new jobs, supported by 100 acres of new parks and open spaces. Planning efforts to facilitate the redevelopment of the Downsview Lands into a series of mixed-use communities are ongoing, including through a City-led process to update to the applicable Secondary Plan known as Update Downsview.

Parkland and Open Space

As noted above, open space is a foundational component of the vision for the redevelopment of the Downsview Lands. Northcrest supports the objective of ensuring the City's parks and open space system grows to support existing and future residents as the City's population grows, and our planning efforts to date reflect our commitment to providing a comprehensive public realm, parks and open space system on the Downsview Lands. The concept of "City Nature", with built and natural environments blending to create a sustainable and vibrant public realm, is a guiding principle that informs our approach to the redevelopment of the site. Our objective is not only to provide generous open spaces, but for those spaces to prioritize sustainability, including through the use of blue-green infrastructure ("BGI").

BGI prioritizes on-grade conveyance and naturalized storage of stormwater by making use of the entire site including private lands, public rights-of-way, parks and open spaces to contribute to the overall performance of the system. This integrated approach seeks to convey, treat, detain and infiltrate stormwater using features such as bioswales and wetland zones, that serve important functional purposes while also contributing to the outdoor experience of daily life. BGI is a well-established strategy that helps reduce the need for traditional piped infrastructure resulting in lower levels of engineered infrastructure investments and higher levels of multifunctional parks and open spaces. It also provides a sustainable and resilient system that responds to climate change, consistent with the shared Provincial and City climate and sustainability objectives. The Downsview Lands represent a once-in-a-generation opportunity to build an infrastructure system from the ground up in a manner that is truly sustainable.

In this regard, Northcrest strongly supports the aspects of Bill 23 that provide greater flexibility in respect of parkland dedications. Providing the opportunity for below-grade encumbrances in land to be dedicated for park purposes represents an important and necessary modernization of the *Planning Act's* parkland dedication framework, which should facilitate measures such as BGI that enhance sustainability and climate resilience, and reduce demands on traditional resource-intensive piped infrastructure.

Northcrest also supports the recognition in Bill 23 that open spaces that are not dedicated in fee simple to municipalities can serve an important role in the public realm network. Allowing the flexibility for such spaces is essential to supporting vibrant communities with a variety of public spaces serving different functions.

Appeal Rights

Inefficiencies in the land use planning approval process are a key factor in slowing the pace at which new homes can be delivered. In this regard, Northcrest strongly supports efforts to streamline the approval process to allow projects to proceed toward development more quickly. However, certain aspects of Bill 23 go too far in curbing the rights of landowners and others interested in planning matters that may affect them to the Ontario Land Tribunal (the "Tribunal"), in a manner that undermines the objectives underlying the proposed amendments.

In particular, Bill 23 would appear (perhaps inadvertently) to preclude landowners such as Northcrest from appealing municipally-initiated official plan amendments and zoning amendments, among other things. This would represent a drastic, unnecessary and counterproductive curtailment of landowners' rights. In particular, it would allow municipalities to make planning decisions that undermine, rather than support, the objective of facilitating new housing, even in a manner that directly conflicts with provincial policy direction, without the critical check and balance

that an appeal to the Tribunal provides. A landowner directly affected by a municipal amendment of this type must have the right to appeal the decision to the Tribunal, both as a matter of fairness and to ensure that key provincial planning objectives are not undermined.

In addition, while Northcrest supports efforts to make the planning approval process more efficient, we are troubled by the proposal to remove the rights of third parties, such as neighbouring residents, to appeal certain matters. Community engagement is foundational to Northcrest's approach and Northcrest believes that the public should be able to participate fully in planning matters. In this regard, Northcrest encourages the Province to explore means of streamlining the approval process that continue to allow meaningful community participation in the land use planning process.

Conclusion

As noted above, Northcrest commends the Province's commitment to taking action to address obstacles to creating new homes. We appreciate the opportunity to provide these comments and would be happy to discuss with Ministry staff if that would assist.

Sincerely,



Derek Goring
Executive Vice President, Development
Northcrest Developments