



October 30, 2023

Re: Streamlining permissions for water takings for construction site dewatering activities and foundation drains

ERO number: 019-6853

To Whom It May Concern:

I am pleased on behalf of the Residential Construction Council of Ontario (RESCON) to submit comments with respect to the government's proposed changes concerning the proposed regulatory amendments to O. Reg. 387/04 under the Ontario Water Resources Act as well as on municipal sewer-use bylaws.

RESCON represents builders of all forms of high-rise, mid-rise and low-rise housing in the province of Ontario. Our members collectively build approximately 80% of the residential housing across this province.

We applaud the province for proposing changes to simplify permissions for residential foundation drainage, such as those for multi-residential buildings. While we understand and support that foundation drains are required to keep buildings dry, especially with deep foundations that are necessary for multi-level underground parking garages, this sentiment has not been shared by certain municipal jurisdictions such as Toronto. While industry has advocated that these buildings cannot be practically constructed without these foundation drains in place, the City of Toronto has implemented policies that ban the use of underground foundation drains and have instead forced builders to construct watertight foundation walls below grade. This practice is referred to as bathtub waterproofing whereby the waterproofed foundation resists hydrostatic pressure without the use of any foundation drains.

The practice of constructing watertight below grade foundations, as opposed to discharging to foundation drains, obviously adds significant construction costs, which are then passed onto new homebuyers in multi-unit residential buildings. Even though Toronto has instituted these policies, they have not lowered municipal development charges to reflect infrastructure costs they are passing onto industry.

With respect to feedback on municipal sewer-use bylaws, these policies which restrict the use of foundation drains in Toronto have already been integrated into municipal sewer-use bylaws, ultimately impacting the design and long-term operation of multi-unit residential buildings. While the practice of utilizing treatment systems for foundation drains was used in limited capacity for certain buildings, this ultimately demonstrated to be an unrealistic practice from a cost and maintenance perspective as these systems were complicated and onerous to properly operate for condominium corporations. These treatment systems have generally been phased out and instead the bathtub waterproofing approach has been more widely implemented.

Municipalities are ultimately looking to reduce or eliminate the infrastructure burden of dealing with groundwater from new developments in their sanitary or storm sewers, preserving capacity for future development. While we understand the logic, it has been an ongoing issue that the development industry is being burdened with the fact that the City's aging, constrained and largely antiquated sewer system continues to impose restrictions and limitations on approved new developments, despite rising development charges that are supposed to facilitate growth related sewer infrastructure upgrades.

We appreciate this opportunity to comment on this proposed policy change and have attached relevant documents from our engagement with the City of Toronto. Please do not hesitate to contact the undersigned if you would like to discuss these matters further.

Best regards,

Paul De Berardis
Director, Building Science & Innovation

Richard Lyall
President

Attachments:

Toronto Water Foundation Drainage Policy – Presentation to BILD/RESCON
RESCON Letter to City of Toronto – Foundation Drainage Policy Review
Toronto Watertight Letter Template