



October 23, 2024

The Honorable Paul Calandra
Minister of Municipal Affairs and Housing
College Park, 17th Floor, 77 Bay Street
Toronto ON M7A 2J3

Attention Minister Calandra:

Re: ERO 019-9210 Proposed amendment to Ontario Regulation 299/19 ADDITIONAL RESIDENTIAL UNITS, made under the Planning Act

These are the submissions of Environmental Defence regarding the Minister's proposal to amend Ontario Regulation 299/19, posted on the Environment Registry of Ontario as ERO 019-9210.

Without significant modifications, an amendment to Ontario Regulation 299/19 as described ERO-019-9210 would result in the creation of *fewer* net new homes by undermining the most effective municipal measures to deliver "more homes, faster", and creating loopholes for "McMansion" development that squanders construction capacity. It would destroy the effective incentive systems that municipalities like the City of Toronto have created for six-storey, 30-60 unit mid-rise development, stacked townhouse developments, and genuine multiplexes, by extending the same exemptions to floor space index, angular plane, lot coverage, and building distance separation to *any* building or parcel with *any* "additional rental unit".

The effect of the proposed regulations would be to grant the same sorts of incentives for building a single 50000 square foot mansion with a notionally separate "nanny suite" as would currently be granted to build 50 1000 sf family homes as a mid-rise apartment building on the same lot. That would mean fewer residential lots re-developed as mid-rise, and more desperately-needed construction capacity squandered on work that doesn't significantly increase the number of homes.

As Environmental Defence has warned MMAH repeatedly, it is vital that almost every existing Ontario neighbourhood, including currently low-rise residential subdivisions, add enough new homes to bring their population density up to 100 residents per hectare. Bringing neighbourhoods up to those densities, which support shops and commercial amenities, schools and frequent, reliable, fast and highly cost-effective public transit is necessary to reduce car traffic, tackle

congestions, and end the persistently high transportation-related energy use that is preventing us from meeting our climate obligations. This approach - including a strong focus on adding large numbers mid-rise apartments on what are now low-rise residential streets - is the only approach efficient enough to deliver 1.5 million to 1.7 million homes by 2031.

For that reason we have been urging the government both:

- to remove the anti-density provincial laws (including municipal bylaws enacted under the *Planning Act*) which prohibit or obstruct the construction of labour-efficient mid-rise housing on all but a tiny subset of the province's existing residential (and even mixed-use or commercial) lots
- To remove the incentives for builders and landowners to squander construction that is needed to build dense and labour efficient housing on greenfield sprawl and so-called "McMansion" rebuilds and extensions of existing homes.

It's the Ontario government's job to ensure that for as many existing residential lots as possible, the "path of least resistance" - and the path of greatest profit - when improvements are being considered - is the one that leads to a mid-rise apartment building or, at minimum (e.g., on lots far from any major street suitable for transit service), a four-storey fourplex. As we have stated repeatedly, any government that refuses to do this is choosing to engineer - and now to continue, a housing shortage.

In order to avoid the perverse consequences that would arise from an amendment as currently described in ERO 019-9210, bring existing neighbourhoods up to environmentally sustainable densities, and incentivize the use of construction capacity in a way that houses the most people, fastest the Ontario government must:

- Expand as of right permission on all lots or parcels on residential major streets (or equivalent), as well on those lots on avenues, arterials, collectors or equivalent, where any residential use is currently permitted to allow at least 30 units and heights of at least six storeys.
- Expand as of right permission on all other lands subject to the current ARU framework to 4 residential units, and four storeys.
- Limit the proposed overrides of lot coverage, floor space index, lot coverage, angular plane and building distance separation
 - on residential streets which are not residential major streets, avenues, arterials, collectors or equivalent, to buildings with three or more residential units, up to a maximum of 1500 square feet for each residential unit, and with no single unit, other than a pre-existing unit, exceeding 2000 square feet.
 - on "major streets" or equivalent within the neighbourhood designation, or equivalent, as well on avenues, arterials, collectors or equivalent, where any residential use is currently permitted, to buildings with four or more residential units, up to a maximum of 1500 square feet per residential unit, and with no no single unit, other than a pre-existing unit, exceeding 2000 square feet.

- For the addition of a detached ARU (such as a laneway or garden suite) to an lot with an existing house, limit the proposed overrides of lot coverage, floor space index, lot coverage, angular plane and building distance separation to the extent that is actually necessary to construct a detached ARU of up to 1500 square feet in compliance with other applicable laws.

Yours truly,

A handwritten signature in black ink, appearing to be 'Phil Pothen', with a horizontal line drawn through the middle of the signature.

Phil Pothen, J.D., M.L.A., Counsel
Land Use and Land Development Program Manager
Ontario Environment Program Manager
Environmental Defence