

September 16, 2009

New Business

To: Chair of Planning and Growth Management Committee

A recent Divisional Court decision dated August 11, 2009 regarding a site specific application at 1465 Lawrence Ave. W. has identified a glaring weakness and significant shortcoming in the City official Plan. The decision also raises questions about the conformity of the City official Plan with the provincial Policy Statement as it relates to consistency of interpretation.

Historically, Provincial Policy Statements have been interpreted in a consistent manner. Under the Provincial Policy Statement, planning authorities shall provide for an appropriate range of housing types to meet the projected requirements of current and future residents of the regional market area.

While different areas of the regional market area (City of Toronto) face different challenges, municipalities normally adopt Official Plans that conform to the Provincial Policy Statement and that are clear, reasonable and attainable. Traditionally, municipalities have adopted Official Plans that promote strong, liveable and healthy neighbourhoods by encouraging a range of housing types.

In particular, Sec 3.2.1 of the Toronto Official Plan states that “Adequate and affordable housing is a basic requirement for everyone”. The Toronto Housing Charter recently adopted by Council expands on Sec 3.2.1 and is based on the principle that every resident is entitled to housing opportunities in the neighbourhood of their choice, without discrimination.

Under the Provincial Policy Statement, the City of Toronto as a planning authority must introduce Official Plan provisions that facilitate and permit a range of housing types consistent with the Toronto Housing Charter. Unfortunately, lost in all the rhetoric surrounding affordable housing opportunities for all residents in the City of Toronto is the fact that affordable home ownership in predominantly low income areas can only be supplied by the conversion of existing affordable rental units.

In the economic and development climate of today, Sec 3.2.8(b)(i) of the Official Plan essentially violates the Toronto Housing Charter. In my view, the adoption of the Toronto Housing Charter necessitates amendments to the Official Plan that facilitates housing opportunities for all residents. Sec 3.2.8(b)(i) of the official Plan requires an amendment that recognize the delicate balance that exists between City wide interests and local interest. Council has in the past made similar amendments to the application of Sec 37 of the Planning Act to housing policies.

Therefore, I am requesting that the Chief Planning Official in consultation with Legal Staff bring forward a report to the next Planning and Growth Management Committee that explores suitable amendments to the Official Plan that facilitate and permit the Toronto Housing Charter opportunities for all residents of the City.

Moreover, the report should also identify performance indicators in the Official Plan that would monitor the proposed amendment to ensure that home ownership opportunities are provided in areas where a range of housing types do not exist.

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