



Trinity Community Church of God

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October 9, 2012

DELIVERED BY EMAIL: pgmc@toronto.ca

Planning & Growth Management Committee
10th Floor, West Tower, City Hall
Toronto, ON., M5H 2N2

Dear Committee:

RE: The Impact of New Draft City-wide Bylaw on Churches & Other Places of Worship

Further to the numerous concerns already raised by members of the faith community in the 4 open houses held by staff, as Pastor of small church, but growing church in the city, I am of the strong view that the zoning restrictions contemplated in the draft City-wide bylaws pose an existential threat to many places of worship on account of the issues of affordability and parking.

The new Toronto City-wide Bylaw, which seeks to harmonize the bylaws of all cities in the GTA, was enacted in 2010 and repealed in 2011 on account of numerous rejections from various interest groups. The current bylaws of various cities in the GTA permit places of worship as-of-right in multiple zones – industrial, residential, commercial etc. The draft City-wide Zoning By-law permits places of worship as-of-right in Commercial, Commercial Residential, and selected Institutional zone categories. Places of worship are not permitted as-of-right in Employment Industrial and Residential zone categories. Places of worship and schools are not permitted as-of-right in Employment Industrial areas because of compatibility concerns. Places of worship are considered a 'sensitive use' by the Ministry of the Environment under the Environmental Protection Act requirements for industrial operations. Places of worship are not permitted as-of-right in Residential zones and Residential Apartment Zones. They would be permitted by way of a rezoning application that would allow an opportunity for community concerns to be addressed.

The key problems posed by the new and very restrictive proposed zoning changes on places of worship, especially newer, smaller and ethnic minority assemblies are as follows:

1. Cost: Restrictions to commercial and institutional zones for places of worship are limited and very expensive. The scarcity factor will mean that newer, smaller, ethnic minorities, and growing assemblies will find the cost prohibitive for buying or purchasing land and building.
2. Parking: The new bylaw calls for 23 parking spaces per 100 square metre of worship area, doubling the present requirement. This will significantly drive up cost, and where, because of limited land space in commercial zones, underground parking is indicated, the cost burden increases exponentially.



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3. Expansions/Renovations: Where places of worship need to expand or do renovations that impact the building's envelope, the new bylaws will be triggered. A parking constraint will trigger a serious problem where there is no space and the church could be faced with an existential threat (say in an expropriation situation or where the building is severely damaged and repairs must meet new standards). The assembly may have to sell but proceeds of sale may not be sufficient to secure an equivalent facility.
4. Outreach Programs: Higher overhead costs reduce congregations', which are donation-driven charities, ability to continue to deliver social programs for which there is a significant and growing need in the city. Places of worship have a track record of partnering with municipalities across Canada in providing youth programs, single parent and other family counseling intervention and other programs. Places of worship and other non-profit are the major provider of life lease affordable housing solutions to our growing seniors' community in Ontario and indeed Canada. Why? Because such housing is offered on a breakeven basis to seniors.

The Trinity Experience: A Case Study

Trinity Community Church of God serves the North York community. The church is composed primarily of Caribbean peoples, but reaches out to all people groups and ages. Founded in the mid 1970's the congregation that meets weekly is approximately 300. The church has provided several community programs over the years as follows:

- Seniors programs twice per month (social and recreational)
- Youth Programs (social, educational, performing arts)
- Computer lab and training
- Meal program to walk in clients (over 5,000 meals per year)
- Food Bank (we provide food for persons in temporary crises)

In August 2009 Metrolinx/GO advised the church that it would be undertaking rail expansion adjacent to the church. The impact on the church would be significant. The protracted negotiation had to deal with the increased risk of the 1156-2010 bylaws, which was enacted and repealed (with anticipation of re-emergence). While the church was not expropriated, the disturbance would be so significant that it looked and felt like expropriation. The key risks were as follows:

- The building was nearly 50 years old and any alteration would have to conform to current building codes, a significant issue being that of parking. We could not meet the parking requirements. Churches that move from the city core to outer industrial areas do so invariably because of parking. The church faced an existential threat overnight on account of this issue.



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Applying the concept of “equivalent reinstatement” the objective of which is to make the injured party whole, both Metrolinx and the church searched for over 2 years to find a relocation site. It never happened because of parking non-availability and because of how market value of the part of church’s property that Metrolinx needed would be determined (The provisions of the Ontario Expropriations Act were referenced). A settlement was reached that left the church in a risky position because it did not provide sufficient funds to truly make the church whole, even though it might be deemed reasonable. The problem was, the church was not actually expropriated. The settlement was based on the value of land that Metrolinx needed, and though the injury was great and the settlement deemed commensurate, the economic reality is that the church needed additional financing to cure itself at its present location. The church could not qualify for the necessary financing (it approached three schedule A banks) and so was forced to consider relocation to affordable sites to have a fighting chance of survival over the medium to long term. The church had to consider industrial sites with appropriate zoning based on affordability and parking availability. If the church cannot secure land and achieve site plan approval before the proposed zoning changes in the draft City-wide bylaws are enacted it will be in dire straits.

The above case is not unique (expansion of transportation and other municipal projects undertaken for the public good are ubiquitous these days and going forward) and the issues are generic for places of worship – affordability and parking. The risks associated with these issues will increase exponentially with building alterations or relocation of the congregation under the proposed zoning changes.

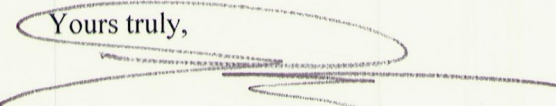
The operation of places of worship is unique. They do not make or sell widgets. The life of an assembly centres on its congregating for worship, fellowship among the members, its outreach to the community, facilitating special moments in the lives of families – dedication of babies, weddings, funerals – and age appropriate programs to its congregants. A church’s income derives primarily from donations and fundraising. Places of worship don’t make profit and require approval from Canada Revenue Agency to accrue funds for their building project. This process can take many years. The proposed zoning changes to restrict places of worship to commercial and selected industrial sites will sound the death knell for many congregations and the community needs-based programs they provide.

Recommendations

I strongly recommend:

1. That churches be allowed in all zones
2. That the parking standard be 10 spots per 100 square metre of worship area
3. That the policy guidelines of the draft City-wide Bylaws be amended by Council to give Staff the scope to make the necessary changes requested in 1 and 2 above.

Yours truly,


Bishop Errol Stewart, Senior Pastor.