



BUILDING A GREATER GTA
Building Industry and Land
Development Association

October 11, 2012

Mayor and Members of Council
c/o Planning and Growth Management Committee
City of Toronto, City Hall
10th Floor, West Tower
100 Queen Street West
Toronto, ON
M5H 2N2

Dear Sirs/Mesdames:

Re: Proposed Official Plan Amendment No. 199 (“OPA 199”)

With respect to the above-captioned matter, as you may be aware, the Building Industry and Land Development Association (“BILD”) has met with City staff and participated in the public consultation process otherwise to date and would like to extend its thanks for this opportunity. As has been communicated in that process, BILD acknowledges the value that cultural heritage can bring to the City’s built environment. That said, it is BILD’s view that the proposed policy framework in OPA 199 still fails to address critical issues. Therefore, we are requesting that any consideration of revised policies respecting cultural heritage and views/vistas, including but not necessarily limited to those set out in OPA 199, should be deferred, so that such can be considered within the context of the overall “5 year review/municipal comprehensive review” (the “Comprehensive Review”) which is currently ongoing.

The reason for this request, in its simplest terms, is that we submit that it is:

- 1. necessary to include within the official plan a policy structure to govern the relationship between heritage and other planning policies; and**
- 2. necessary to consider the kind of implementation directions proposed in OPA 199 in the context of that structure and in the context of other affected official plan policies (as will be in Council’s consideration in the balance of the Comprehensive Review).**

We will discuss each of these matters in turn:

1. Official Plan Policy Structure for Heritage

The most recent amendments to the *Ontario Heritage Act* significantly enhance municipal powers respecting cultural heritage, perhaps most notably respecting Heritage Conservation Districts. These enhanced powers, in the absence of a proper guiding official plan structure, could engender scenarios where heritage matters set out in a heritage conservation district plan “trump” all the other public policy directives in an official plan and/or provincial plan. We submit that this is not an appropriate public policy result.

We further submit that the *Ontario Heritage Act*, by requiring that policies be included in an official plan before these potential enhanced powers can be used, demonstrates an intent that the heritage polices should fit into,

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and be subject to, the broader land use planning framework. However, at this juncture there is little, if anything, in OPA 199 to address how this is to be achieved.

2. The Need to View Heritage Implementation Directions in a Broader Policy Context

The policy directions proposed in OPA 199 self-evidently have a high degree of interaction as between themselves. But it is also clear that their interaction with other Official Plan policies, such as, but not limited to, those dealing with the provision of housing, urban design and public realm amenity is significant.

It is therefore important to know the basic constraints on how the policies relate (i.e. when does one predominate over the other, and to what extent), or at least how such constraints will be determined. Knowing this, one could sensibly determine the content and limits of the substantive policies.

To give a simple, concrete example, if heritage directives predominate it might not be possible to build a pedestrian bridge to give the public access to a cultural heritage landscape if it were considered to constitute an unacceptable intrusion on purely heritage grounds.

We would note, in this respect that in the absence of defined official plan policy from the City setting an overall integrated public policy context, provincial heritage policy in the abstract would almost inevitably play a greater role in any heritage-related determination.

General Comments

Many of the policies proposed in OPA 199 remain inappropriately vague. BILD's staff and membership have outlined some of these matters, in prior communications with the City but further work remains to be done. As just one example, neither the boundaries of the consultation process nor the actual groups to be consulted where First Nations or Metis archaeological resources are encountered are described in any meaningful way.

Conclusion

BILD looks forward to continued constructive conversations with City officials and interested stakeholders. However, at this particular juncture OPA 199 as proposed is simply missing key elements necessary, in BILD's view, to provide for heritage policies properly integrated into the broader land use planning context. As a result, as set out above, BILD requests that City staff be directed to consider the submissions herein, continue consultations with BILD, and bring back the results of those consultations in the context of the overall Comprehensive Review.

Thank you for your attention in this regard.

Yours truly,



Danielle Chin, MCIP, RPP
Municipal Government Advisor

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