

Report on the Condo Consultation

Date:	May 30, 2014
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	P:\2014\Cluster B\PLN\PGMC\PG14073

SUMMARY

This report provides an overview and summary of the consultations with condominium occupants carried out in 2013. It presents the major issues identified during the consultations and responses to them.

The feedback from the attendees at the meetings was generally positive. They appreciated being engaged in a process where their condo related experiences could be shared with City staff in an effort to improve the quality of life in their communities.

The City's consultant for the consultation presented 36 recommendations to address the issues. This report, in conjunction with Attachment 1, provides a response to each of the recommendations. Some responses result in recommendations for further action. Others are actions that will be implemented by staff as part of existing work programs or initiatives. Many of the issues are already being addressed, and the report indicates where this is so. The Downtown Infrastructure and Growth Strategy now underway will address many of the issues as they relate to the Downtown.

Five general issues stood out as either those most important to the participants or to improving their day-to-day condo living experience:

- Coordinating new development with services and infrastructure and associated concerns regarding traffic congestion, transit crowding and lack of green spaces;
- Amenities for dogs (and other pets);
- Parking for visitors;
- Community building;
- Information sharing.

RECOMMENDATIONS

The Chief Planner and Executive Director recommends that:

1. City Planning review the experience using the tall buildings guidelines and report to Planning and Growth Management Committee on the appropriateness of incorporating some of the standards in the zoning by-law.
2. The General Manager of Economic Development and Culture and the Chief Planner and Executive Director, City Planning develop a protocol to facilitate the short term lease or use of ground floor retail space in condo buildings by arts and culture groups while the owner of the space seeks to lease to a long term tenant.
3. City Council request the Province to amend the Condominium Act to provide for greater flexibility to change a condo declaration or by-laws to address changing parking circumstances and needs in a condominium.
4. Council request BILD and the Canadian Condominium Institute to request their members to consider the need for flexible parking regulations in condominium declarations and by-laws in the initial planning of new condominiums.
5. Council forward the consultant's comments regarding building quality and construction quality to the Ministry of Consumer Services, Tarion and BILD for their consideration.
6. Council forward the consultant's recommendation to encourage the building industry to designate smoke-free buildings (or floors/zones within buildings) by including a smoke-free status in the condominium documents to BILD.
7. Council request the Province to clarify Section 45 of the Municipal Elections Act to require condominium corporations to allow public access to voting places in their condominium.
8. Council request the Canadian Condominium Institute to request their members to consider a provision in the condominium declaration stating that non-residents of the condominium will have access to voting places in the building.
9. Council request that the Executive Director, Social Development Finance and Administration undertake a pilot project to develop a community development tool-kit to assist condominium residents to strengthen the 'social tissue' in their buildings.
10. Council request that the City Planning Division with the City Manager's Engage Toronto IT project test the use of an on-line idea manager software for condo residents to share ideas about how they have dealt with issues in their condos.

11. Council request the Province to consider a broad information sharing and idea facilitation role for the proposed Condo Office.
12. Council request the Tower Renewal Office to investigate the potential use of the STEP Program and energy efficiency retrofit financing mechanisms for condo buildings.

Financial Impact

The recommendations will have **no** financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its April 19, 2012 meeting, Planning and Growth Management Committee reiterated City Council's direction of August 25, 2010 to 'conduct focus groups and public consultations with condominium residents, condominium boards and condominium associations, in order to assess and recommend to City Council possible changes to City policies as they relate to condominium development in Toronto.'

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG13.5>)

In April 2013, Planning and Growth Management Committee directed the Chief Planner to report on a policy to promote and provide pet care facilities in new mid-rise and high-rise developments, as part of the condo consultation.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG23.7>)

ISSUE BACKGROUND

The Condo Boom

Since the late 1990s Toronto has seen an unprecedented 'condo boom.' Upwards of 10,000 new condos per year have been added to the City's housing stock and a further 40,000 plus condo units are under construction. These new condos provide housing for around 250,000 to 300,000 people – or about 10% of the City's population.

The Condominium Act review

The Provincial Government began a review of the Condominium Act in 2012. The Act provides the framework for governing and managing condos. It governs the rights and responsibilities of condo developers, owners, corporations and boards of directors, and establishes a number of protections for condo buyers and owners. The present Act came into force in 1998.

The review has 3 stages (as described on the [Condo Act Review website](#)):

In Stage 1 the public was asked to bring issues and ideas to the table.

In Stage 2 people with expertise in condominium issues, including condo residents, reviewed findings from Stage 1 and developed a report of over 100 recommendations on how these issues can be resolved. More than 1,000 people submitted feedback on the

report. Some of the recommendations concerned better standards for condo management, and before the recent election the provincial government had announced that it would move ahead on licensing property managers.

In Stage 3, roundtable sessions took place across Ontario. They provided condo residents a chance to discuss the recommendations from Stage 2. The feedback gathered at these roundtables as well as the public's comments on the Stage 2 solutions report are now being reviewed. This feedback and recommendations from Stage 2 will be used to draft a new Condominium Act.

One of the proposals coming out of the provincial Condominium Act review is to set up a Condo Office for the province. It would have four main functions: education and awareness; dispute settlement; licensing condo managers; and maintaining a condo registry. It could also provide broader functions for condo residents as discussed later in this report.

COMMENTS

Process

Swerhun Facilitation and Decision Support were retained to facilitate the consultation. Their team also included architects, planners and an engineer who specializes in condominium issues to provide technical and policy advice.

The consultation proceeded in two rounds: the first to identify issues, and the second to develop responses to the issues. Each round consisted of a public meeting in each Community Council area. An additional meeting was held in Ward 23 in the first round. Each round also featured a workshop with Builders and Developers and meetings with BILD's Toronto Chapter. Each round was preceded by a workshop for Councillors to give them an opportunity to provide input prior to the meetings.

The feedback from those attending the meetings was generally positive. They appreciated being engaged in a process where their condo related experiences could be shared with City staff in an effort to improve the quality of life in their communities.

Approximately 400 people attended the first round of meetings and 250 attended the second round.

Each round featured an on-line survey that was available after the public meetings. The consultant used the surveys to obtain additional input and also to confirm and expand upon what they had heard at the meetings. The survey listed the issues or responses that had been heard and people were asked for their feedback on them. Six hundred responses were received to the round 1 survey and 350 responses to the round 2 survey.

In addition, people provided written feedback at the meetings and by email and letter during the process.

A [webpage](#) was established to provide information on the meetings and the progress of the consultations. Summaries of the meetings as well as the presentations were posted to the web page.

Round 1 – the issues

At the outset, people were asked to put their issues into one of three buckets:

1. community around the building;
2. the physical building; and
3. community inside the building

The Consultant produced a comprehensive report listing all the issues raised. It is available on the [consultation webpage](#). The report lists issues raised at the meetings and through written feedback as well as summaries of the survey responses.

The Consultant reported that over 1,500 people provided feedback through the public meetings, stakeholder sessions, the online survey and other communication with the project team.

Round 2 – responding to the issues

The second round of meetings focussed on the key themes and issues that emerged from the first round of meetings. For each issue, the City identified actions that were already underway, and presented some ideas for the participants to test. Over 500 people provided feedback through the meetings, the survey and other communication with the project team.

A comprehensive report on the results of Round 2 is also available on the [consultation webpage](#).

Recommendations

Based on the input at the meetings and further feedback from the Round 2 survey, the Consultant developed 36 recommendations. They are contained in a final report which also develops the rationale for each of the recommendations. The consultant's report is Attachment 2 to this report. It is also available on the consultation website.

Moving forward

City staff reviewed the consultant's recommendations, with three outcomes:

- some have resulted in a recommendation to Council in this report;
- some will be implemented as part of an existing work program or initiative; and
- some have already been addressed.

The remainder of this report deals with the key issues that stood out during the consultation and the range of responses to them, including those that lead to further recommendations for Council's consideration. These key issues are:

- Coordinating new development with services and infrastructure
- Amenities for dogs (and other pets)
- Lack of diverse and successful retail

- Height and design of buildings
- Visitor Parking
- Lack of family-friendly buildings
- Building quality and construction quality
- Voting places
- Community building
- Information sharing
- Governance

Downtown Study

Many of the issues were particularly salient in Downtown, especially those related to the amount of new development, its density and the pressures on hard and soft infrastructure.

City Planning is leading a major study of the Downtown to ensure that future development will be adequately serviced, to obtain a better understanding of present shortfalls in infrastructure, and to recommend a stronger framework to control development. A [report](#) to the May 13, 2014 meeting of the Toronto and East York Community Council provided results of background research and set out the proposed work plan for the study.

The Study will address many of the issues that arose during the condo consultation, including:

- Downtown green spaces and other community services and facilities
- Downtown transportation
- Family-friendly condominiums.

Detailed response in Attachment 1

Attachment 1 provides a more detailed consideration of the main issues identified by the consultant and their recommendations. It is organized generally into the 'buckets' used to identify the issues: the community around the building, the physical building, and the community in the building. It addresses some issues and outcomes not dealt with in this report.

A large number of issues and potential responses emerged from the consultation. Not all are dealt with in this report. They are reported in the consultant's reports on each round of meetings, available on the consultation webpage.

Consultation with other Divisions

This report addresses many issues that fall within the purview of other divisions beside City Planning. Other divisions consulted in its preparation included:

- City Manager's Office – Civic Engagement
- City Clerk
- Legal Services
- Parks Forestry and Recreation
- Social Development Finance and Administration

- Economic Development and Culture
- Toronto Buildings
- Transportation Services

The issues raised and possible responses were also presented to meetings of the senior management of Clusters 'A' and 'B'.

Coordinating new development with services and infrastructure

One of the strongest messages to emerge from the consultation was that 'there is an overarching need to coordinate city planning with the provision of all types of infrastructure (transportation, transit, parking, parks, recreation amenities, hydro) to ensure neighbourhood planning is done at the neighbourhood scale, not condo by condo, and that infrastructure can handle the increased density.'

This issue is currently addressed through a wide range of initiatives and tools, including various approaches to local area planning, the proposed use of the Development Permit System, and City Planning's Strategic Plan's reaffirmation of the importance of the role of Community Planning as the team leader in the application review process, with responsibility to actively project manage proposals and identify solutions where divisional comments conflict.

Coordination protocol

City Planning staff will build on these initiatives and will be addressing the consultant's recommendation (#1) to develop a protocol for the coordination of development and infrastructure and services in areas of high growth. The protocol will cover such matters as identifying areas where such a response may be required, establishing the appropriate staffing and organization, and sources of funding.

City Planning will lead the development of the protocol, in collaboration with other divisions that provide services and infrastructure to support development, as well as Engineering Construction and Services and the Major Capital Infrastructure Coordination Office.

Other major concerns and issues were related to the perception that infrastructure and services were not keeping up with development, particularly those related to transportation and green space and the public realm.

Traffic congestion

In all parts of the City, condo owners told us that there was too much traffic, especially in Downtown and in the Yonge corridor in North York. The main cause of increasing congestion is simple: car travel is growing, but new road capacity is not being provided to support that growth.

Staff and councillors are well aware of congestion problems in the City. A plethora of initiatives are addressing it. These include the Congestion Management Plan and the Downtown Traffic Operations Strategy which were endorsed by City Council in December 2013, the Downtown Infrastructure and Growth study (Comprehensive to the

Core), the recent EA addendum for the North York Centre South Service Road and moving forward with an EA for improvements to the Yonge St- Hwy 401 interchange.

In the long run, policies and programs that shift people from their cars to other modes can address this problem. The Official Plan reinforces this direction, as well as the current 'Feeling Congested' review of those policies.

Transit crowding

Transit crowding was also raised as an issue, particularly for downtowners who use the streetcars and those trying to board crowded subway trains in the morning rush.

This is one of the most important issues facing the City. Various initiatives are underway, ranging from extending the transit network to operational changes to provide better service.

The consultant recommended (#6) that the City study the impacts of a requirement for developers to contribute to transit service improvements when a new development does not meet minimum parking requirements and ensure that there is a financial incentive to support this option (i.e. the developer's contribution should be less than the cost of the provision of the minimum parking spots).

Staff are reviewing parking policies and funding for transit as part of the 'Feeling Congested' initiative. They will consider the consultant's recommendation, along with the variety of opinions that were expressed about the idea.

Green space and the public realm

The consultant reported that throughout the consultation, participants said that there is a shortage of park space, especially downtown. One issue that was raised frequently is a desire to increase the City's commitment to investing in parks, especially in proximity to areas with new condo developments, and in Downtown Toronto.

People were looking for places for both active and passive recreation. People in Downtown in particular noted the need for 'breathing' spaces – places to sit and talk, to read, to simply relax. Other common themes included having dedicated play areas for children and ensuring that parks are clean and well-maintained. The lack of parks to meet a wide range of needs was also related to the lack of amenities for dogs, which are discussed in detail below.

Picking up on the consultant's recommendations, two initiatives now underway will help address this issue:

Privately owned publicly-accessible spaces (POPS). POPS are an additional means of providing open space, especially in areas of high need and few potential park sites. Using POPS to provide open space must recognize that POPS are private property, along with the issues about cost, liability and responsibility for maintenance of the spaces. Consultation participants voiced these concerns about the idea.

Staff have mapped POPS and included them on a POPS map that is available on the POPS website. As [directed](#) by City Council in July 2013, a report to the June 19th meeting of Planning and Growth Management Committee contains guidelines that will assist the development community and staff to locate, design and furnish POPS.

Complete streets. The City has initiated a major project to develop complete streets guidelines. In May 2014, City Council [directed](#) staff to develop complete streets guidelines using an approach that integrates the key policies, bylaws, standards and guidelines for the right-of-way, and uses the latest best practices. The role of streets as 'open spaces' and 'people-places' is an important element of the design of complete streets. This should include improving the walkability and maintenance of the public realm, issues that were highlighted by participants in the consultation.

Amenities for dogs (and other pets)

Providing amenities for pets, especially dogs, was a major issue for many condo residents. There are two dimensions to this need: places to exercise pets, and places for pets to urinate and defecate (pet washrooms). It requires a comprehensive response involving all three issue 'buckets': the community around the building, the building itself and the community inside the building.

Parks and off-leash areas

City parks are extensively used as pet washrooms and for exercising and socializing pets, both informally and formally in designated off-leash areas. In many areas of the City, alternate space for pets is required to remove the pressure on public parkland.

There are 60 [off-leash areas](#) in city parks, and most of them are in the older (pre-WW2) areas of the City.

Parks, Forestry and Recreation policies for off-leash areas ([People, Dogs and Parks – Off Leash Policy](#)) require that consideration be given to balancing:

- the needs and interests of the community
- impact on the park and natural environment
- impact on adjacent residential areas and schools, and
- sustainability of the off-leash areas.

Streets

Streets are also used extensively for walking dogs, particularly the sidewalks and grass boulevards where they are provided. This function should be taken into account in the design of streets and in the Complete Streets Guidelines.

Pet facilities in condo buildings

In April 2013, Planning and Growth Management Committee [directed](#) the Chief Planner to report on a policy to promote and provide pet care facilities in new mid-rise and high-rise developments, as part of the condo consultation. This would help relieve pressure on public parkland. Feedback from consultation participants on this idea was positive but not overwhelmingly so.

A policy would need to consider such matters as:

- minimum number of units in the building before pet facilities are required;
- type of facility: indoor or outdoor space, garden or podium, drainage, irrigation and ventilation requirements, etc;
- the amount of space, which could be based on the number of units in the condo building or a minimum size to work well as a 'poop and scoop' or as a dog run / exercise area;
- the need for pet facilities in the area, based on existing facilities such as parks and off-leash areas, the number of licensed dogs in the area and population density, and indicators of overcrowding such as noise, litter, odour and complaints;
- including the pet facility as part of the required amenity space;
- possible incentives to provide the facilities;
- public vs private access – some of the POPS are used by the public as dog washrooms;
- how the policy is applied - should it be required for all buildings, unless the developer can demonstrate that there are adequate facilities in the area, or declares a no pet condominium?

City Planning staff are targeting the 1st quarter of 2015 to report further on this issue. The report will also address:

- the broader issue of the provision of amenities for pets as part of the planning of neighbourhoods, especially to alleviate pressure on public greenspace; and
- retrofitting buildings for pet amenities and issues that may arise with this.

Downtown

This was a significant issue for participants at the Downtown meetings, leading to the consultant's recommendation that the City should prioritize the implementation of a near term action plan to improve the management of pets in downtown.

City Planning staff will coordinate a more detailed assessment and approach to managing pets and dogs in the Downtown. This work will be aligned with the Downtown Study.

Lack of diverse and successful retail

Many new condo buildings have ground –floor retail space. It typically takes a long time for the space to be leased up by local retail and service stores.

The configuration of the building and retail space can be a disadvantage. Successful retail strips typically have 'long, narrow' stores, whereas spaces on condo ground floors are wider and shorter, and often encumbered with large pillars. Consequently, the space is difficult to rent out, especially to chain store formats, and may sit empty for a long time. This issue of better design and targeting of the retail space has also emerged in other retail studies, most recently the [study](#) on how the City should evaluate new large retail developments near pedestrian shopping areas.

Strategy to improve ground floor retail space

City Planning staff will develop a strategy to improve ground floor retail space in 2014 and 2015. Such a strategy could result in guidelines, or possibly revised zoning or Official Plan policy. It would require an understanding of the 'economics' of developing and leasing new retail space, as well as a good understanding of the design requirements for different kinds of condo buildings and stores. It would also need to consider the issues related to the current value assessment of the property and the impact of property taxes on the viability of businesses in the retail space.

Short term leases in new vacant space

The consultant recommended (#35) that the City study short term leases or use by arts and culture groups in the ground floor retail space while the developer seeks to lease space to a long-term tenant. This approach is similar to the initiative of the Danforth East Community Association to rent vacant stores on a short-term basis to local arts groups and social enterprises.

The main responsibility for implementing this would lie with the developer / owner of the commercial space and the arts group. There may be a role for the City or the local BIA or an umbrella arts organization such as Artscape in bringing together the arts group and the developer. Economic Development and Culture staff have indicated their interest in pursuing this idea.

This would complement Council's [recent direction](#) to City staff to meet with provincial staff to discuss options for amending the legislation and regulations governing the Vacant Commercial and Industrial Property Tax program, particularly with a view to encouraging temporary uses that would benefit the property owner, local area business and community.

Height and design of buildings

The increasing height of buildings and perceived lack of creative design was one of the key concerns in the first round of meetings. There was strong support in the second round for the idea of strengthening the City's guidelines for the separation of tall buildings, and in particular, including minimum separation distances and setbacks in the zoning by-law.

The tall buildings guidelines

Tall buildings guidelines were first adopted in 2006, followed by guidelines for tall buildings in Downtown in 2012. Updated city-wide tall building design guidelines were adopted in 2013. They consolidated and substantially replaced the Downtown guidelines of 2012.

As the consultant's report notes, guidelines are subjective and easily challenged. They are given less weight at the OMB because they are only guidelines. On the other hand, as guidelines they provide greater flexibility to address local situations more creatively than may be possible with standards in a city-wide by-law.

Further action through the zoning by-law

The Official Plan's urban design policies are under review as part of the Five Year Review of the Official Plan. The consultant's recommendation that the qualitative wording of the Built Form and Tall Building section of the Official Plan be expanded to reflect the latest guidelines will be considered as part of the review.

Staff also recommend that City Planning staff review their experience using the guidelines to evaluate development proposals, and report back on implementing the consultant's recommendation to add the following 'more prescriptive' standards to the zoning by-law:

- i. 12.5 metre tower setback from side lot lines
- ii. 25 metre separation distance between towers
- iii. 3 metre tower stepback from base building. (#4)

This review and report would address the need to recognize variations in local circumstances across the City.

Visitor parking

Participants complained that there was often not enough visitor parking in the building or condo project; and not enough in the area around the building. At the same time, resident parking spaces are often unused – presenting possible opportunities to accommodate more visitor parking. Parking requirements for condo buildings were reviewed in 2007 as part of the new Zoning By-law project, and the zoning was revised to reflect the findings of the review.

This is an area which calls for greater flexibility in the condo declaration and by-laws so they can be more easily amended to reflect changing needs and circumstances in individual condo buildings. The consultant's recommendation (#14) reflects this. This would be a new area for the City, since it is dealt with through the condo governance processes that are regulated by the provincial Condo Act; rather than the planning processes that are the responsibility of the City.

Staff are recommending a series of approaches:

- Request the Province to examine the issue through the Condominium Act review with a view to provide for greater flexibility to amend the condo declaration or by-laws to address changing parking circumstances;
- Bring the issue to the attention of BILD and to condominium lawyers in the Canadian Condominium Institute so that they may address it in the initial planning and subsequent registration of new condo developments, and offer to meet with condo lawyers and developers to review the issues from the City's point of view;
- Include the issue as one to be considered during the development approvals process, possibly by having condo lawyers present at one of the meetings of developers and city staff where parking is discussed.

There may be many different 'solutions' to these issues, depending on the how the condo declaration and by-law treats parking (e.g. common element vs individually owned). The City may, however, facilitate the sharing of ideas between condos (as discussed below under 'information sharing').

Lack of family-friendly buildings

There is a growing awareness that the great bulk of new condos are small units that are suited for one or two people, but not for families with children. Smaller younger childless households dominate the local community. They tend not to be active in building 'community' because as they evolve they move to other neighbourhoods that better suit their needs. Few amenities are provided for children, which reinforces their unattractiveness for families.

Small units may suit the market today, but there is a concern that they may be less suited to tomorrow's market. Some participants feared that we are building the slums of tomorrow.

Compounding the problem, in the present market, the few large units built are unaffordable for most larger households.

The consultant's report indicates that there will likely be a need to begin to address these issues in existing buildings and communities. At the same time, there is an increasing need to ensure that new buildings are designed to facilitate a transformation over time and to provide a wider range of units at the outset. The report notes that some more flexible units are being designed on an experimental basis, and that this needs to be expanded to include greater consideration of:

- Designing typical residential floor-plates that can be adapted or altered to accommodate household change over time;
- Creation of 'swing' space between units that can be shared by adjacent units or captured as an additional bedroom;
- Ensuring that party walls can be affordably punctured to link adjacent units if and when required;
- Unit designs that allow for greater internal choice of living arrangements;
- Combining ownership and rental tenures; and
- Accommodating a broader mix of incomes.

Consultation participants in all parts of the City indicated their desire to raise a family in their condos, including Downtown. There was general support for the idea that the City should implement policies to support development of family-sized / flexible units in new condo buildings. Several participants also noted that family-sized units are necessary for mid-career couples or people who want to work from home – and this is another element of building a more multi-dimensional community.

There was strong support for making larger units for families more affordable. On the downside, however, some participants were concerned that lower income residents may be stigmatized, that condos with 'affordable' units could be viewed as less competitive in

the market, and that lower income households may not be able to afford increased maintenance costs that are often typical in condos.

The Consultant's recommendations build on current initiatives underway by the City Planning Division to address these issues. These include a review of the Official Plan's housing policies with respect to addressing housing suitable for families in new condo buildings, and amendments to the Official Plan's definition of affordable ownership housing. In addition, the Chief Planner's most recent Roundtable on April 24th addressed the general issue of planning cities for families.

Building quality and construction quality

The issues

Construction quality was a recurring issue from the first round of meetings. According to the consultant, 'there is a general public perception that the City is not carrying out adequate inspections of buildings prior to allowing occupancy and thus if improved inspections processes were implemented, fewer items would need to be claimed under the Tarion warranty.'

Participants were looking to the City to address the issues through the building construction inspection process. However, they misunderstood the City's role in the building inspection process.

Roles and responsibilities

An outline of the various roles and responsibilities in the condo construction and inspection process provides the context for a better understanding of the limits to the City's ability to address these issues.

The Ontario Building Code sets out minimum requirements to be met when a building is constructed, renovated, or undergoes a change of use and addresses public health and safety; fire protection; structural integrity of buildings; energy efficiency and water conservation; heritage preservation, and accessibility.

The City's role in conducting inspections is to enforce the Building Code. Issues that are not Building Code enforcement matters are beyond the scope of the City's responsibilities. Design professionals (architects, engineers) retained by the building owner are also required to conduct the 'general review' of construction and provide reports to the Chief Building Official on compliance with building code requirements. The City considers these general review reports when evaluating whether or not new construction complies with the building code.

Most of the building quality issues we heard about were defects pertaining to the quality of finishes (e.g. cabinets inadequately attached to walls, flooring improperly laid, pipes not well-caulked).

These matters are regulated through consumer protection legislation, including Tarion's warranty program, and procedures under the Condominium Act. They are ultimately

matters between the condominium corporation or individual unit owners and the developer / builder.

Staff recommend that the consultant's comments be forwarded to the Ministry of Consumer Services, Tarion and BILD for their information.

Tobacco smoke

Some participants complained of the smell of tobacco smoke seeping into their units from others.

The City should provide BILD with the consultant's recommendation to encourage the building industry to designate smoke-free buildings (or floors/zones within buildings) by including a smoke-free status in the Condominium documents (#29).

Open Building Permits at Condominium Turnover

Although it was not raised at the public meetings, in the consultant's opinion there is a problem with condominium developers leaving permits open. The consultant explained that,

'this happens because many items ... may not be complete prior to registration and turn-over. The builder completes the work, but has no motivation to close the permit. When the condominium corporation attempts to take out a permit many years later, they learn of the open permits but have difficulty closing them, because the City's records indicate the declarant as the building owner, even though the building has been registered and turned-over to the corporation. Often the declarant is a numbered or one-off company and is no longer reachable.'

The consultant's recommendation is to create a process that acknowledges the Condominium Corporation as the building owner after registration and turn-over so that the Corporation can get open permits closed more easily (#30).

The Toronto Municipal Code, Chapter 363, currently provides for the transfer of a permit from the developer to the condominium corporation. Beyond the proper due diligence of the condominium corporation, however, there is no administrative mechanism to alert it to the permit status. The onus is on the condominium corporation to transfer the permit.

Staff will review the City's condominium registration process under the Planning Act and will determine if there are improvements that can be implemented so that the new condo board is advised if there are any open building permits for the building at the time of condominium registration and of the process for transferring responsibility for the permit.

Voting places

The City Clerk has noted the difficulty in finding voting places in municipal elections in condo buildings and condo neighbourhoods, and in neighbourhoods where other public spaces such as churches and schools are no longer available. In particular, although the Municipal Elections Act provides that if a condo has more than 100 units, it can be required to provide space for a voting place, there have been instances where condo

boards and property management refuse to allow residents of neighbouring buildings to vote in their building. This results in greater expense for the City, because it has to set up additional voting places for small numbers of voters.

The City should request the Province to clarify the intent section 45 of the Municipal Elections Act to ensure that condominium corporations must allow public access to voting places in their condo.

In addition, the condo declaration could include a provision stating that non-residents of the condo will have access to voting places in the building. The City should communicate this to condominium lawyers in the Canadian Condominium Institute.

Community building

Condos are communities – vertical villages, with a social tissue that needs care and tending. Participants in the first round of meetings raised issues related to 'community' in condos; for example:

- condo boards don't foster social activity;
- resident lifestyles (e.g. career focus, too busy) make it difficult to build social capital within buildings;
- new residents have difficulty integrating into the existing community; and
- families who are interested in the community move out because larger units are too expensive.

In addition, a group of residents in a North York condo told us about their project for developing their 'vertical village' and were eager to share their ideas with others.

Many condo communities have the resources and skills to look after themselves and build their community. Others may need help.

It is also important to see condo communities as part of their broader community. Building a vertical village is one component of a successful condo, but it needs to be balanced by engaging with the broader community to meet social needs.

A community-building tool-kit

Although the consultant didn't have any recommendations directly related to community building, staff recognize its importance for the quality of life for condo residents. The City has few levers and fewer resources to actively engage in this process. It could, however, assist with the up-front development of a tool-kit for condo residents to build community in their buildings. Staff in Social Development, Finance and Administration would be willing to begin a pilot project to develop such a tool-kit.

Information sharing

It was evident throughout the consultation that many condo residents simply don't know who to approach or where to find the information that deals with their issues and

problems. Addressing this would be a simple first step to dealing with many of the other issues that were raised.

Many organizations and groups, even individuals, provide information on condos and condo living through their publications and web pages. But the condos themselves can be an important information source. The City's condos represent an enormous pool of talent and ideas. They are quite capable of addressing, if not solving, many of the particular issues and problems we heard about. The key is sharing ideas and information.

The consultant recommended that the City study the costs and opportunities of a city-led initiative to facilitate the sharing of condo-related information in a variety of ways, from an online presence to a physical office; and that the initiative be used to collaborate with existing condominium corporations and condo residents to compile a list of best practices and resources.

Ideas manager

If the issue of a City-facilitated resource (online or physical site) is to be explored further, a consultation might provide additional information for consideration. One possible methodology would be to use an online tool that collects ideas from participants. Ideas managers allow participants to submit ideas online and discuss, edit or debate those ideas with other users. This type of consultation could also be used to kick-start an information-sharing website that could then be managed by the City or an external group, and it could:

- Collect 'stories' about how condo residents / groups have responded to particular issues, including those in the consultant's recommendation above;
- Seek suggestions on content for a possible tool-kit; or,
- Identify potential sponsors or developers who could manage the website and facilitate information sharing in the long term.

Staff recommend that City Planning staff and the City Manager's Engage Toronto IT project pursue this approach.

The proposed Condo Office

One of the proposals coming out of the Condominium Act Review is to set up a Condo Office for the province. It would have four main functions: education and awareness; dispute settlement; licensing condo managers; and maintaining a condo registry. The proposed condo office could also facilitate the sharing of ideas, perhaps through a webpage or similar on-line facility.

The City should share the facilitator's recommendation with the Province and suggest that it consider a broad information sharing and idea facilitation role for the Condo Office. Many of the issues are issues for condos across the province and not just City of Toronto issues.

Governance

In the first round of meetings, issues related to condo governance frequently arose – both as general issues, and as more particular issues related to individual condominiums and often to individuals within them too. These issues fall under the province's jurisdiction through the Condominium Act. All issues and ideas brought forward in the first round of meetings were forwarded to the Province for consideration as part of the Condominium Act Review.

Overall, the governance issues raised in the meetings have been addressed by the review. City staff will continue to monitor the Condominium Act Review process to ensure key Toronto issues are addressed.

Rehabilitation of Older Buildings

One issue related to both governance and building quality was adequate reserve funds and the large costs of maintenance and rehabilitation of older condo buildings. Although the provincial review is addressing the general area, the City's Tower Renewal Office in Social Development, Finance and Administration may also have role here through its STEP Program and its work related to retrofit financing options.

The [STEP Program](#) addresses areas of energy, water, waste, operations, community building and safety. STEP has primarily been applied in the rental apartment building context but it could be adapted for use with condo buildings, potentially with input from condo organizations such as Canadian Condominium Institute and the Association of Condominium Managers of Ontario.

With respect to building condition improvements in older condo buildings, a program could be developed that provides retrofit financing similar to the City's energy retrofit [pilot program](#) for multi-residential buildings. The current pilot program, managed by the Tower Renewal Office, is governed by provincial regulation that is not suited to the condominium ownership structure as there is no mechanism for a condo board to enter into a program agreement. Alternative financing approaches may exist that would be applicable to condominiums.

Staff recommend that Tower Renewal Office staff investigate the potential use of the STEP Program and energy efficiency retrofit financing mechanisms for condo buildings.

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ATTACHMENTS

1. Main Issues and Response to the Consultant's Recommendations
2. The Consultant's Recommendations Report (January 2014)

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ATTACHMENT 1

TORONTO CONDO CONSULTATION, 2013

MAIN ISSUES AND RESPONSE TO THE CONSULTANT'S RECOMMENDATIONS

In 2013, the City of Toronto held consultations with condominium occupants to identify issues related to their condo living experience and develop responses to the issues. Consultants were retained to facilitate the consultation and develop recommendations to address the issues. They presented 36 recommendations. More information on the consultation, including the consultant's reports on the consultation meetings, is available on the [consultation webpage](#).

This attachment addresses the following issues and related recommendations from the consultant, organized generally into the 'buckets' used to identify the issues:

Community around the building

- Coordinating new development with services and infrastructure
- Lack of community influence in planning decisions: the OMB and Section 37
- Traffic congestion
- Transit congestion
- Negative impact of new construction
- Green space and the public realm
- Amenities for dogs (and other pets)
- Lack of diverse and successful retail
- Height and design of buildings

The physical building

- Parking
- Lack of family-friendly buildings
- Lack of amenities and storage
- Building quality and construction quality

Community in the building

- Governance
- Voting places
- Community building
- Information sharing

Each issue is treated as much as possible through a format that consists of:

- The issue / what we heard
- The consultant's recommendations
- How the issue is presently addressed / recent actions addressing the issue
- What's next - further recommendations and / or actions to address the issue

Coordinating new development with services and infrastructure

The issue

One of the strongest messages to emerge from the consultation was that 'there is an overarching need to coordinate city planning with the provision of all types of infrastructure (transportation, transit, parking, parks, recreation amenities, hydro) to ensure neighbourhood planning is done at the neighbourhood scale, not condo by condo, and that infrastructure can handle the increased density.'

The consultant's recommendation

The consultant recommended (#1):

- Develop a long-range decision making model to support closer coordination of the Planning Division with all other City Divisions to manage infrastructure needs and initiatives prior to the review of development applications. As a first step, create an inter-divisional working group, led by Planning, to determine how the City should identify and coordinate larger infrastructure initiatives that may be needed in areas of high growth.

How the issue is being addressed

A wide range of initiatives and tools represent a broad based response to the issue, and to some extent incorporate the collaborative nature of the consultant's recommended first step.

The Official Plan and local area planning At a very high level, the Official Plan coordinates development and services by showing where development will occur. Secondary Plans more explicitly indicate the amount of development (through density limits) and the associated pattern of roads and transit to support growth. They may also specify service requirements and priorities. The North York Centre Plan and the Railway Lands Plans are good examples. Yet in both these locations, the message of development outpacing services was clear.

The Lawrence Avenue Revitalization Project and Eglinton Connects are more recent examples of projects that have comprehensively addressed the coordination of redevelopment and infrastructure. They could provide models of future proactive responses to this issue.

Downtown Study The message was especially loud and clear in Downtown. People attending the second downtown meeting strongly supported a proposal to study downtown to ensure that future development will be adequately serviced, to get a better understanding of present shortfalls in services, and to put in place a stronger framework / set of planning tools and regulations to control development.

This study, called 'Comprehensive to the Core', has been initiated. A [report](#) to the May 13, 2014 meeting of the Toronto and East York Community Council provided results of the background research and set out the proposed work plan for the study.

City Planning will conduct the study, in partnership with other divisions and public agencies. It is a major priority for City Planning over the next 3 years.

Coordination by City Planning Developers and condo builders also commented on this issue. They felt that City Planning needs to play a stronger role in leading the development approvals process, especially connecting all commenting divisions (water, transportation, utilities, etc). Developers reported that currently this role is being played primarily by their planning consultants.

City Planning's recently adopted Strategic Plan picks this up. Action 6 is to act as the development management team leader: reaffirm with and communicate to partner divisions and agencies the role of Community Planning as the team leader in the application review process, with responsibility to actively project manage proposals and identify solutions where divisional comments conflict.

Developers and builders also suggested that for (large) complicated development proposals, we should consider holding comprehensive working sessions, something like charettes, of all involved – the developers and their consultants and the relevant city and agency staff. This would enable the major issues to be dealt with together; and it could also provide a forum where the impacts of the development on infrastructure and services could be made plain and more closely aligned.

This has been tried on some occasions and Planning staff intend to arrange more such sessions.

Development Permits A Development Permit System (DPS) is an alternative approach to development approval that addresses some of the concerns around inadequate planning for infrastructure and services. The DPS still allows 'site-by-site' approvals, but on the basis of development criteria that are clearly set out in advance. The criteria are based on a comprehensive plan for the future development of the neighbourhood area that would take into account infrastructure and service needs of development.

The first stage to implement a DPS in the City is to put policies in the Official Plan that establish the goals and objectives for its use. Staff [presented draft policies](#) to the April 10, 2014 meeting of Planning and Growth Management Committee. A statutory public meeting will be held before the Committee on June 19th to consider the proposed Official Plan amendment with policies for a DPS in Toronto.

Once an area is identified by Council, extensive community involvement will be required to assess the area and develop the contents of the Development Permit By-law. After it is adopted by Council, the by-law is subject to appeal to the OMB.

Further Action

Coordination protocol City planning staff will build on these present initiatives and will address the consultant's recommendation to develop a protocol for the coordination of development and infrastructure and services in areas of high growth. The protocol will

cover such matters as identifying areas where such a response may be required, establishing the appropriate staffing and organization, and sources of funding.

City Planning will lead the development of the protocol, in collaboration with other divisions that provide services and infrastructure to support development, as well as Engineering Construction and Services and the Major Capital Infrastructure Coordination Office.

Application working sessions As noted above, City Planning staff will continue to look for opportunities to arrange working sessions of developer teams and city staff to comprehensively address the major issues to be dealt with. This could also provide a forum where the impacts of the development on infrastructure and services could be made plain and more closely aligned.

Better information

The Issue

It was clear from both rounds of meetings that one of the reasons people felt there was a lack of services and infrastructure is that they simply didn't know what was available, especially if they were new residents in the neighbourhood. Similarly, lack of information about local planning initiatives and development applications contributed to the perception that development took place haphazardly or 'building-by-building.'

There was strong support for various ideas on this theme. The City:

- could provide condo residents with information about amenities and services in the neighbourhood, especially recreational programming information; and who to contact at the City about local problems,
- increase education about the planning process and how to be active in neighbourhood planning discussions;
- make neighbourhood planning information more accessible on-line through the City's Open Data portal. It was felt this would increase process transparency and accountability.

The consultant's recommendation

The consultant recommended (#23):

Work with Toronto's Open Data team to make planning information more accessible and to support broader engagement with neighbourhoods and to integrate this data into both mobile and web applications as well as other community-led planning projects.

How the issue is being addressed

Parks and Recreation Plans: Two of the main themes of the recently adopted Parks Plan and Recreation Service Plan are to improve promotion and access to parks information and increase awareness of the City's recreation services.

Wellbeing application: The Wellbeing Toronto web page includes a simple procedure that allows people to identify the locations of some facilities and services in their neighbourhood, along with some basic information about them (name, address).

New community planning model: City Planning is committed to developing better outreach and education, as exemplified by the planners in public spaces (PIPS) pilots last year. The City Planning Strategic Plan includes a group of actions for communicating with residents, businesses community organizations and others, and for collaborating outside City Hall.

In December 2013, Planning and Growth Management Committee [approved](#) a process for exploring a new community planning model that provides more opportunities for engagement and community-based discussions around city-building themes.

311 Knowledge base: Residents and others seeking information can simply call 311 as a first point of contact.

Further Action

City staff continuously seek to improve the information available to residents, and to make it easier to for people to find the information.

City Planning staff will continue to improve the planning information available on the web, especially information about development applications. They will work with Open Data team to provide access to this information through the Open Data application.

Lack of community influence in planning decisions: The OMB and Section 37

The Issue

A related issue was the feeling of a lack of community influence in planning decisions, especially in relation to Ontario Municipal Board (OMB) decisions and the use of Section 37 funds.

The OMB

While many called for the OMB's abolition, others were more muted in their concerns. The clear message from the consultation was that the community's opinion and input should be given greater weight by the OMB.

The consultant recommended (#2):

Monitor and follow up on Toronto City Council's request that the Minister of Municipal Affairs and Housing amend the Planning Act, the Heritage Act and the City of Toronto Act to abolish the Ontario Municipal Board's jurisdiction over Zoning By-law Amendments, Official Plan Amendments, Site Plans, Urban Design Guidelines, Subdivision and Condominium Plan Approvals, and Community Improvement Plans and appeals under the Heritage Act

The Province is reviewing some aspects of the OMB. The province has made it clear that this review does not include eliminating the OMB or changes to the OMB's operations, practices and procedures. Council [recently requested](#) the province to expand the scope of the review to include the operations, practices, procedures and reporting requirements of

the OMB. It also reconfirmed earlier requests that OMB panels in Toronto be made up of Toronto residents, and that Toronto and other municipalities be granted the option of removal from the OMB's purview. These requests are consistent with the feedback from condo residents, and with the consultant's recommendation.

Section 37

'Section 37' refers to the practice through which the City gives developers an increase in a development's height or density over what the zoning by-law would allow, in return for the provision of 'facilities, services or matters', or funding for them (*Planning Act*, Sec 37). The Official Plan includes a policy, supported by detailed guidelines, for how this practice should be carried out in the City, including a list of the facilities, services and matters that can be requested by the City.

Section 37 is not well understood by the average condo resident – indeed, most of them don't know what it is. There was also a sense that the Section 37 process, from negotiating the contribution to managing and spending it, was somewhat opaque. Some wanted greater community input; others did not want it to become 'community-owned.'

The consultant recommended (#3):

Create mechanisms and/or process changes for the management of Section 37 funds to increase transparency and more effectively engage the community. Use the process review currently underway to help inform the best methods to achieve transparency and accountability within Section 37 fund management.

The review of section 37 undertaken as part of the Five-year Review of the Official Plan has addressed the issues of transparency and accountability. Recommendations [adopted](#) by City Council in April 2014 included directions to City Planning to prepare:

- public education materials that explain the City's process for securing Section 37 community benefits; and
- an annual report summarizing the previous year's achievements regarding Section 37 community benefits.

At this stage, no further actions are required to address these issues.

Traffic Congestion

The issue

In all parts of the City, condo owners told us that there was too much traffic. This was especially so in Downtown and in the Yonge corridor in North York. The main cause of increasing congestion is simple: car travel is growing, but new road capacity is not being provided to support that that growth.

The consultant's recommendations

Two recommendations addressed specific causes of traffic congestion:

- Refine the current review guidelines and standards for road closures to achieve a reduction in lane closures and obstructions (#7). This recommendation was also related to issues around the impacts of construction discussed below.

- Leverage findings from the downtown traffic operations study in regards to delivery and stopping spaces to create city-wide policy for the provision of drop-off and delivery zones (#16).

How the issue is being addressed

Staff and councillors are well aware of congestion problems in the City. A plethora of initiatives are addressing it.

Feeling Congested: In the long run, policies and programs that shift people from their cars to other modes can address this problem. The Official Plan reinforces this direction, as well as the current 'Feeling Congested' review of those policies. At its April 10, 2014 meeting Planning and Growth Management Committee [considered draft changes](#) to a number of the Official Plan's transportation policies and directed that they be the basis of further consultation. A further report on the consultations will be considered by Planning and Growth Management Committee at its June 19, 2014 meeting.

City-wide: The Congestion Management Plan: The Congestion Management Plan grew out of a series of directions from City Council that addressed better traffic movement across the City, particularly through technological enhancements such as synchronized traffic signals, traffic cameras and message signs.

The Plan is a comprehensive approach to addressing existing problems. It provides for 35 projects to be implemented between 2014 and 2018. The projects address various elements of traffic management:

- Intelligent transportation systems
- Congestion and engineering studies
- Incident and event response
- Construction coordination
- Curb side management (for parking)
- Support of all modes of transportation
- Traveller information
- The traffic operations centre

The Plan was [endorsed](#) by City Council in December 2013.

The Downtown Transportation Operations Study (DTOS): The Downtown Transportation Operations Study was initiated in 2011. Its purpose is to identify and address congestion and traffic operations issues in Downtown Toronto. Its focus is on getting more out of the existing transportation infrastructure, in an attempt to make travel in the downtown less challenging and more efficient for all road users.

City Council endorsed the DTOS implementation plan in December 2013. The implementation plan contains 16 initiatives to be implemented over the next two years to improve traffic operations in Downtown. The full list of projects is discussed in the [report](#).

Downtown Study: Looking beyond the next two years, the Downtown Infrastructure and Growth Study ('Comprehensive to the Core') now underway will have a transportation component, with the ultimate goal of developing a transportation strategy for downtown.

North York Centre: Traffic congestion was by far the most important issue for condo residents in the North York Centre, particularly congestion on Yonge St. It is being addressed:

- A key bottleneck is the Yonge – Hwy 401 interchange, and in the past several studies have identified the need for improvements to this interchange, especially movements from southbound Yonge Street to eastbound Hwy 401. Most recently, in November 2013, City Council considered a [report](#) on a study that outlined ten alternative solutions, and requested the province to share the cost of an Environmental Assessment to identify the preferred solution. Participants at the second meeting in North York indicated that they would like the Yonge Corridor Condo Association to be involved in this process.
- North York Centre South Service Road Environmental Assessment Addendum Study – A [report](#) to the May 14th Public Works and Infrastructure Committee meeting requested authorization to issue a notice of completion for this study. It provides an updated alternative design for the completion of the south-eastern portion of the service road south of Sheppard Avenue East and east of Yonge Street.
- Looking beyond these improvements, as development proceeds in the North York Centre, the service road that circles the centre will be completed, which will make it easier for traffic to move around the centre.

Drop-off and delivery management

The issue Consultation participants picked on vehicles stopping illegally to make deliveries as a 'cause' of congestion that they thought the City could do something about.

How the issue is being addressed The issue is being addressed by the Congestion Management Plan and the DTOS:

- Strategy E of the Congestion Management Plan deals with curbside management, including the development of innovative parking strategies.
- Project 7 of the DTOS is to implement dedicated Courier Delivery Zones in 13 areas during off-peak hours as a pilot project to encourage couriers to provide service to downtown businesses without impacting the road network.

The consultant's recommendation The consultant recommended (#16): Leverage findings from the downtown transportation operations study in regards to delivery and stopping spaces to create city-wide policy for the provision of drop-off and delivery zones.

Further action This recommendation has been forwarded to Transportation Services staff for their information when they deal with traffic operations issues elsewhere in the City,

and as they implement the curbside management strategy of the Congestion Management Plan.

Transit Crowding

The Issue

Transit crowding was also an issue, particularly for downtowners who use the streetcars and those trying to board crowded subway trains in the morning rush.

The consultant's recommendations

Two recommendations addressed transit congestion:

- Study the impacts of a requirement for developers to contribute to transit service improvements when a new development does not meet minimum parking requirements and ensure that there is a financial incentive to support this option (i.e. the developer's contribution should be less than the cost of the provision of the minimum parking spots) (#6).
- Build the transit required to support the planning direction to reduce available parking, especially Downtown and in North York (#17). This recommendation also deals with parking issues discussed below.

How the issue is being addressed

This is one of the most important issues facing the City. Various initiatives are underway, ranging from extending the transit network to operational changes to provide better service.

Transit Improvements: Participants generally understood the overall policy approach to congestion of reducing auto use, and with that the amount of parking in new development. But they also pointed out that lower parking requirements should go hand-in-hand with improved transit, leading to the consultant's recommendation to 'build the transit to support the planning direction to reduce available parking, especially Downtown and North York.'

As we all know, this has been a major pre-occupation for Council and city staff over the past few years, and is a central theme of the review of the Official Plan's transportation policies, through the 'Feeling Congested' initiative.

A [recent update](#) on the 'Feeling Congested' initiative outlined how priority transit projects will be identified using a sophisticated 'rapid transit decision making evaluation matrix.' A further report on the status of the ongoing work concerning transit planning will be considered by Planning and Growth Management Committee at its June 19, 2014 meeting.

Crowding relief on subways: A series of related initiatives and operational improvements are addressing subway crowding, especially on the Yonge – University – Spadina (YUS) line and at the Bloor-Yonge station. They are outlined in a [recent report](#) on the relief line initiative.

- The relief line: A new subway line from the Bloor-Danforth line east of the Don Valley to the Downtown will relieve crowding on the Yonge line and the Bloor-Yonge station. In December 2013, Planning and Growth Management Committee [approved](#) a process to determine the alignment and station locations for this line.
- GO Transit improvements: Improving service on GO Transit from York Region will also relieve crowding on the Yonge line by diverting subway riders to the GO trains. Metrolinx has initiated the Yonge Relief Network Study to consider service upgrades on its Yonge Corridor lines (Barrrie, Richmond Hill and Stouffville). Study results are expected in 2014.
- Operational improvements: The TTC is addressing subway capacity, reliability and frequency of service on the YUS line:
 - The new Rocket trains accommodate 10% more passengers and they will be fully deployed to the YUS line by the end of 2013.
 - The TTC is working to move southbound trains more quickly through the Bloor-Yonge station by helping to guide and direct passengers to and from the platform more quickly.
 - The opening of the Spadina extension to Vaughan in 2016 is expected to reduce ridership on the Yonge line by 5% to 10%.
 - The re-signalling project (Automatic Train Control) that is now underway will allow trains to run more frequently and eventually increase capacity on the YUS line by up to 25%.

Streetcar Crowding: Improving service on the King and Queen streetcar lines is also a priority for the City and the TTC. As recently as October 2013, City Council took up a TTC request to investigate the feasibility and merits of implementing morning rush hour reserved streetcar lanes on King. An interim report will be on the agenda of the June 18, 2014 meeting of Public Works and Infrastructure Committee.

In addition, the new low-floor streetcars now going into service are also expected to carry more passengers with increased reliability.

Further Action

Developer contributions to service improvements: In January 2013, PGM requested a report on a draft parking variance policy, which would look at how the City could recover from developers some of the benefits of not providing the usual parking required by the zoning by-law; e.g. provide cash-in-lieu, or provide funding or contribute to other means to improve transit in the area.

This idea was tested during the second round of meetings, specifically a payment to a transit reserve fund. It met with a mixed response. Those opposed were concerned that the cost would be downloaded onto condo buyers through increased unit prices.

Developers and builders also noted that from their perspective, providing reduced parking is a contribution to the City's overall goal of providing transportation alternatives to the

car. Some developers also said that the minimum parking requirement is sometimes greater than the real demand, depending on the type and location of the project. This may be true for the initial sale of units, but subsequent buyers and occupants may need more parking than the initial residents. If not provided in the building there would need to be an approach to how such additional parking might be provided in the immediate neighbourhood.

Parking standards for condos were reviewed in 2007 as part of the development of the new Zoning By-law. The direction from PGM could lead to further revisions to the standards as well as to a policy or guidelines for considering variances from the standards.

Staff are reviewing parking policies and funding for transit as part of the 'Feeling Congested' initiative. They will consider the consultant's recommendation to study the impacts of a requirement for developers to contribute to transit service improvements when a new development does not meet minimum parking requirements, along with the variety of opinions that were expressed about the idea.

Negative Impact of New Construction

The issue

Participants told us that we need to deal with traffic lane closures and noise and dust from the construction of new condos, especially in Downtown and North York with their multiple projects. There was widespread support for the idea of refining the current process for road closures in order to minimize lane closures and obstructions.

The consultant's recommendation

The consultant recommended (#7): Refine the current review guidelines and standards for road closures to achieve a reduction in lane closures and obstructions.

How the issue is being addressed.

This recommendation will be addressed by the Congestion Management Plan's 'lane occupancy permit review' (initiative D.3) targeted for 2016. In addition, the 'Enhanced Disruption Management' project of the Downtown Transportation Operations Study includes recommendations to develop and implement tools to better manage the impacts of street occupancy in the immediate vicinity of road/lane closures, and on the surrounding area.

Further action

In October 2012, Toronto and East York Community Council requested a report on various aspects of construction staging, including earlier disclosure of construction staging plans, practices in other jurisdictions that require all development and construction to be entirely stage on private property, and accessibility requirements for construction staging.

Planning and Growth Management Committee [considered a report](#) on construction staging areas in February 2014. Staff will report further on initiatives directly related to reducing the impact of construction staging areas on congestion.

Green space and the public realm

The issue

The consultant reported that throughout the consultation, participants said that there is a shortage of park space, especially downtown. One issue that was raised frequently is a desire to increase the City's commitment to investing in parks, especially in proximity to areas with new condo developments, and in downtown Toronto.

People were looking for places for both active and passive recreation. People in Downtown in particular noted the need for 'breathing' spaces – places to sit and talk, to read, to simply relax. Other common themes included having dedicated play areas for children and ensuring that parks are clean and well-maintained. The lack of parks to meet a wide range of needs was also related to the lack of amenities for dogs, which are discussed in detail below.

The City largely acquires new parkland through the parkland dedication process. This process requires most developments in the City either to provide a cash contribution to the City to buy parkland, or to give a portion of their development site to the City for parkland (mainly on large sites). Where the developer provides a cash contribution, half of the funds are used for park or recreation development and half for parkland purchases. Some condo residents and developers and builders were aware of this process, but did not know how or where the money was invested. Developers told us they sometimes have people asking them about the new park space in their neighbourhood, since part of their purchase price went into a fund to buy parkland. Participants in the condo consultation strongly supported the idea of increasing transparency on how and where the parkland acquisition money is spent.

A major challenge to the provision of parkland in Downtown and other parts of the City is the high cost of land, and the lack of readily available sites. The City will need to look at other options.

Some participants were also concerned that the City was losing parkland. The Official Plan explicitly prohibits the sale or disposal of City-owned parks. An information sharing initiative (discussed below) could make this policy more widely known.

The consultant's recommendations

The consultant presented four recommendations to address this issue:

- Increase transparency of how and where parks levies are collected and spent. Make this information readily and publicly accessible for all stakeholders, including: condo residents, Real Estate Developers, and City staff (#8).

- Study the potential provision of privately owned public spaces (POPS) that are readily accessible from the street. Additionally, prioritize the provision of such spaces during the review of new development applications to further bolster and maximize green space opportunities (#9).
- Include opportunities to provide public space benefits (e.g. sidewalks, benches, other elements of the public realm, social gathering spaces, etc.) in the process for the Development of Guidelines for Complete Streets (#10).
- Communicate and publish how best practices from other cities continue to inform the existing parkland acquisition strategy in Toronto (#11).

How the issue is being addressed

A variety of initiatives now underway will provide a platform for addressing the consultant's recommendations.

The Parks Plan City Council adopted a Parks Plan in May 2013, after extensive consultation. The directions in this five year service plan are built on four themes:

- communicate and connect with users;
- preserve and promote nature;
- maintain quality parks; and
- improve system planning.

Many of the parkland issues raised through the condo consultation align with the Parks Forestry and Recreation Division's implementation of the Parks Plan.

One of the implementation actions of the Parks Plan is to update the strategy for the acquisition of parkland to continue to prioritize underserved areas.

- The revised acquisition strategy provides a vehicle for implementing the consultant's recommendation to increase the transparency of how and where parkland levies are collected and spent.
- The Downtown Infrastructure and Growth Study will also include an assessment of parks and future needs in the Downtown.

Best practices Presently, Parks Forestry & Recreation proactively seeks best practices not only in land acquisition, but in parkland design and construction, operating and maintenance standards, as well as greening and environmental activities.

- The revised parkland acquisition strategy would be an opportunity to increase communications and public awareness of how best practices inform the current work of the Division.

Expanding the public realm The City uses the development application process to create new public spaces that are not public parks, including pedestrian connections, plazas, and

places for public art. These spaces can play an important role in providing more open space, especially in the Downtown. This approach encompasses a couple of projects now underway: mapping and developing guidelines for privately owned publicly-accessible spaces; and developing guidelines for 'complete streets.'

Privately owned publicly-accessible spaces (POPS). Staff have mapped POPS and included them on a POPS map that is available on the POPS website. As [directed](#) by City Council in July 2013, a report to the June 19th meeting of Planning and Growth Management Committee contains guidelines that will assist the development community and staff to locate, design and furnish POPS.

- POPS are an additional means of providing open space, especially in areas of high need and few potential park sites. Using POPS to provide open space must recognize that POPS are private property, along with the issues about cost, liability and responsibility for maintenance of the spaces. Consultation participants voiced these concerns about the idea.

Complete streets. City Council [directed staff](#) to develop complete streets guidelines in May 2013, and in April 2014 [endorsed](#) an integrated approach to develop complete streets guidelines for Toronto. The role of streets as 'open spaces' and 'people-places' is an important element of the design of complete streets.

- Implementing the consultant's recommendation would be part of the normal consideration of developing complete streets guidelines. At a minimum this should include improving the poor walkability and maintenance of the public realm, issues that were highlighted by participants in the consultation.

It should also be acknowledged that there is a great variety of other opportunities to expand the public realm and address the provision of open spaces, including:

- BIA streetscape plans
- Public realm master plans
- Avenues studies
- Transportation impact studies
- Toronto Green Standard implementation

Amenities for Dogs (and other pets)

The issue

Providing amenities for pets, especially dogs, was a major issue for many condo residents. There are two dimensions to this need: places to exercise pets, and places for pets to urinate and defecate (pet washrooms). It requires a comprehensive response involving all three issue 'buckets': the community around the building, the building itself and the community inside the building.

The consultant's recommendations

Two recommendations addressed amenities for pets:

- Develop policy or guidelines for the provision of amenities for pets (such as dog runs, or pet washrooms) in new developments. Consider variables such as the number of units in the new condo (i.e. establishing a minimum threshold to trigger the provision of such amenities), the number of pre-existing dog amenities in the area and whether a percentage of the requirements for indoor/outdoor amenity space could be applied to dog amenities to meet this requirement, and possible incentives for the developer (#12).
- Prioritize the implementation of a near-term action plan to improve the management of pets in the downtown, such as the identification of spaces for pet amenities such as dog runs and pet washrooms and how to best provide them (#13).

How the issue is being addressed

Parks and off-leash areas: City parks are extensively used as pet washrooms and for exercising and socializing pets, both informally and formally in designated off-leash areas. There are 60 [off-leash areas](#) in city parks, and most of them are in the older (pre-WW2) areas of the city.

Parks, Forestry and Recreation policies for off-leash areas ([People, Dogs and Parks – Off Leash Policy](#)) require that consideration be given to balancing:

- the needs and interests of the community
- impact on the park and natural environment
- impact on nearby adjacent residential areas and schools, and
- sustainability of the off-leash areas.

The present criteria will continue to be used to review the suitability of new off-leash areas:

- Neighbourhood characteristics (adjacent land uses, population density, housing types, licensed dog population, proximity of existing and other potential off-leash areas located within 1 kilometre).
- Compatibility with the park's design, established uses, features and components.
- Potential impacts on the park's functionality, condition and natural environment.
- Proportion of park to be taken up by the proposed off-leash area.
- Proximity to residences and off-leash area exclusions.

Opinion on this issue was divided. The round 1 survey asked 'are there enough dedicated places for dogs to be off leash?' 36% of respondents said 'yes'; 35% said 'no' and 29% said 'don't know.'

Pet facilities in new condo buildings The Tall Buildings Guidelines include a guideline for pet facilities: 'In residential or mixed-use developments, include places for pets and pet runs either at grade or on a shared rooftop space' (Sec 2.5 d).

Further Action

Complete Streets Streets are also used extensively for walking dogs, particularly the sidewalks and grass boulevards where they are provided. This function should be taken into account in the design of streets and in the guidelines for complete streets.

The condo building Exercise and washroom facilities for pets should also be provided in condo developments – much the same as yard space in ground-related housing is used for pets. Some developments have provided pet facilities, but this is certainly not the norm even for recent developments.

In April 2013, Planning and Growth Management Committee [directed](#) the Chief Planner to report on a policy to promote and provide pet care facilities in new mid-rise and high-rise developments, as part of the condo consultation.

Feedback from participants on this idea was positive but not overwhelmingly so. The consultant's report noted that 'respondents in favour of this idea emphasized that larger condo developments should be responsible for their residents' dog population. However, participants who indicated they do not support the idea at all raised several concerns about the extra cost of such a requirement and overreach of the City's jurisdiction.'

The Round 1 survey showed 46% of respondents don't think there are enough facilities for dogs in their building, while only 27% said there were enough, and 27% didn't know. Parks, Forestry and Recreation also conducted an online public opinion survey as part of their review of the People, Parks and Dogs Off-Leash Policy. Over 3,000 responses were completed, and 71% of respondents supported the concept of condominium corporations providing recreational space on their private property for dogs to exercise, run and relieve themselves.

A policy would need to consider things like:

- minimum no of units in the building before pet facilities are required;
- type of facility: indoor or outdoor space, garden or podium, drainage, irrigation and ventilation requirements, etc;
- the amount of space, which could be based on the number of units in the condo building or a minimum size to work well as a 'poop and scoop' or as a dog run / exercise area;
- the need for pet facilities in the area, based on existing facilities such as parks and off-leash areas, the number of licensed dogs in the area and population density, and indicators of overcrowding such as noise, litter, odour and complaints;
- including the pet facility as part of the required amenity space;
- possible incentives to provide the facilities;
- public vs private access – some of the POPS are used by the public as dog washrooms;
- how the policy is applied - should it be required for all buildings, unless the developer can demonstrate that there are adequate facilities in the area, or declares a no pet condominium?

City Planning staff are targeting the 1st quarter of 2015 to report further on this issue. The report will also address the broader issue of the provision of amenities for pets as part of the planning of neighbourhoods, especially to alleviate pressure on public greenspace.

Retrofits for pet facilities It may be possible to retrofit existing amenity space as pet facilities in some buildings. This would be up to the condo board, but may require an amendment to an approved site plan. This may be a problem in some developments; for example, if pet facilities are introduced in an area that has been secured as publically accessible space.

The report on requiring pet facilities in new buildings will also address this issue and others that may arise with retrofits for pet amenities.

Community in the building Condo boards can set rules for pets, especially if they have pet facilities in the condo. It would also be helpful to provide guidelines for pet owners and perhaps educate non-pet owners on the value of pets for people.

We heard from one condo residents association (not a condo board) which has developed its own guidelines for responsible pet ownership for its members. This is something that could easily be shared with other resident groups through an information sharing facility (see below).

Downtown This was a big issue in Downtown, leading to the consultant's recommendation that the City should prioritize the implementation of a near term action plan to improve the management of pets in downtown.

City Planning staff will coordinate a more detailed assessment and approach to managing pets and dogs in the Downtown. This work will be aligned with the Downtown Infrastructure and Growth Strategy, which will assess the provision of parks and open spaces and develop guidelines for the public realm in downtown. It may also provide greater certainty over the amount and location of future development – and pet density – through an updated planning framework for downtown; and so provide a better indication of where there will be future needs for facilities for pets.

Lack of Diverse and Successful Retail

The issue

Many new condo buildings have ground –floor retail space. It typically takes a long time for the space to be leased up by local retail and service stores. In some areas local retail and services to meet the basic convenience needs for the condo residents develop very slowly. There are few grocery or drug stores, but many dry cleaners and nail salons.

The configuration of the building and retail space can be a disadvantage. Successful retail strips typically have 'long, narrow' stores, whereas spaces on condo ground floors are wider and shorter, and often encumbered with large pillars. Consequently, the space is difficult to rent out, especially to chain store formats, and may sit empty for a long time. This issue of better design and targeting of the retail space has also emerged in other

retail studies, most recently the [study](#) on how the City should evaluate new large retail developments near pedestrian shopping areas.

The consultant's recommendations

In response the consultant made a couple of recommendations:

- Develop a strategy to improve the ground floor retail space in condos (#34).
- Study short term leases or use by arts and culture groups in the ground floor retail space while the developer seeks to lease space to a long-term tenant. This should include exploring the feasibility of conditional tenancy documents that include the need to be ready to move with short notice (e.g. 14 days), and approaches to furnishing and decorating the space to be flexible and responsive to the developer's business needs (#35).

Further action

Strategy to improve ground floor retail space City Planning staff will develop a strategy to improve ground floor retail space in 2014 and 2015. Such a strategy could result in guidelines, or possibly revised zoning or Official Plan policy. It would require an understanding of the 'economics' of developing and leasing new retail space, as well as a good understanding of the design requirements for different kinds of condo buildings and stores. It would also need to consider the issues related to the current value assessment of the property and the impact of property taxes on the viability of businesses in the retail space.

A key element of the strategy would be that developers should engage with the retail industry early on in the development process. For example, they should engage a retail architect, and try to find potential tenants before the building is designed, rather than after it is built. City Planning staff could suggest this approach in the early stages of development application approval process, including pre-application discussions.

Builders and developers supported this approach. They also suggested sharing information on how retail works, including developing 'make it or break it' pro formas.

Short term leases in new vacant space This approach is similar to the initiative of the Danforth East Community Association to rent vacant stores on a short-term basis to local arts groups and social enterprises (they called them pop-up stores, picking up on a trendy new term in the ever-evolving world of retail). They modelled their initiative on one in Newcastle, Australia. A similar initiative, called Gallery City was recently featured on Eglinton West between Allen Road and Dufferin Street. It used vacant stores as gallery space for local artists. It was a partnership between a private business, a developer, and the York-Eglinton BIA.

The main responsibility for implementing this would lie with the developer / owner of the commercial space and the arts group. There may be a role for the City or the local BIA or an umbrella arts organization such as Artscape in bringing together the arts group and the

developer. Economic Development and Culture staff have indicated they will pursue this idea.

This would complement Council's [recent direction](#) to City staff to meet with provincial staff to discuss options for amending the legislation and regulations governing the Vacant Commercial and Industrial Property Tax program, particularly with a view to encouraging temporary uses that would benefit the property owner, local area business and community.

Height and Design of Buildings

The issue

The increasing height of buildings and perceived lack of creative design was one of the key concerns in the first round of meetings. There was strong support in the second round for the idea of strengthening the City's guidelines for the separation of tall buildings, and in particular, including minimum separation distances and setbacks in the zoning by-law. The idea tested was for minimum distances of 25 metres between buildings and minimum setbacks of 12.5 metres from side lot lines.

The consultant's recommendation

The consultant has two recommendations addressing this issue:

- Expand the qualitative wording of the Built Form and Tall Building section of the Official Plan to reflect the latest guidelines.
Consider adding more prescriptive standards to the zoning by-law, such as:
 - i. 12.5 metre tower setback from side lot lines
 - ii. 25 metre separation distance between towers
 - iii. 3 metre tower step back from base building. (#4)
- Further to the Planning Division's recent report outlining the implementation of the development permit system – pursue the potential for the development permit system to provide a more prescriptive, transparent and accountable means of area planning for height, density, land use, building form, and design. (#5)

How the issue is being addressed

Tall buildings guidelines were first adopted in 2006, followed by guidelines for tall buildings in Downtown in 2012. Updated city-wide tall building design guidelines were adopted in 2013. They consolidated and substantially replaced the downtown guidelines of 2012.

As the consultant's report notes, guidelines are subjective and easily challenged. They are given less weight at the OMB because they are only guidelines. On the other hand, as guidelines they provide greater flexibility to address local situations more creatively than may be possible with standards in a city-wide by-law.

When it adopted the guidelines for tall buildings in Downtown in July 2012, City Council [requested](#) that staff identify future implementation options including, but not limited to,

amendments to the City's Official Plan and, Zoning By-law and use of other planning tools.

As noted above, Planning and Growth Management Committee recently requested the staff to consult with the public and stakeholders on implementing a development permit system in the City. The consultant's recommendation for a focus on area planning for height, density, land use, building form, and design is consistent with this direction.

Further action

The Official Plan's urban design policies will be reviewed in 2014 as part of the 5-year review of the Plan. The consultant's recommendation that the qualitative wording of the Built Form and Tall Building section of the Official Plan be expanded to reflect the latest guidelines will be considered as part of the review.

Staff also recommend that City Planning staff review their experience using the tall buildings guidelines to evaluate development proposals, and report back on implementing the consultant's recommendation to add some of the standards to the zoning by-law. This review and report would address the need to recognize variations in local circumstances across the City.

Parking

The issues

Lack of visitor parking and lack of bike parking emerged as two of the most important issues to address.

- Participants complained that there was often not enough visitor parking in the building or condo project; and not enough in the area around the building. At the same time, resident parking spaces are often unused – presenting possible opportunities to accommodate more visitor parking.
- There was widespread comment on the need for more bike parking in condos, especially in Scarborough, North York and Etobicoke. Increasing the number of spaces provided by developers was strongly supported, especially indoor spaces.

The consultant's recommendations

The consultant recommended:

- Convene a meeting with developers, their legal teams that helped formulate the Condominium declarations and the condominium management industry to explore opportunities to better manage the auto and cycling parking needs of unit-owners and visitors in new developments (#14).
- Increase the amount of bicycle parking around existing and new condo developments. Consider bike parking lots and consider additional bike parking in retail zones (#32)

How the issue is being addressed

Revisions to the parking provision for both cars and bikes are often negotiated through the development approvals process. Consequently our understanding of changing needs as well as the complexities of providing parking in condo buildings continues to evolve. In a sense there is a permanent review of parking requirements.

Visitor parking Parking requirements for condo buildings were reviewed in 2007 as part of the new Zoning By-law project, and the zoning was revised to reflect the findings of the review. Parking requirements are sometimes reduced through the development approvals process, and it is noted that developers may be more willing to give up visitor parking than resident parking, partly because resident parking can be more easily 'unitized' and sold.

Bike parking The new Zoning By-law recently implemented bike parking requirements based on a review of bike parking standards carried out for the Zoning By-law project. These standards are an integral component of the Toronto Green Standard (TGS). The TGS also addresses requirements for the location of the bike parking. In addition the TGS provides for additional spaces as part of the voluntary Tier 2 standard. If these spaces are provided through the TGS, developers receive a refund of 20% of their development charges.

Staff are comfortable that the present zoning requirements and the TGS adequately address bike parking needs in new buildings. Existing buildings may not meet these standards. It would be up to the condo corporation to retrofit their building to provide more spaces. The zoning requirements and TGS could provide a starting point for such a retrofit.

Storing bikes in the condo units informally supplements the provision of dedicated bike parking spaces, especially for 'occasional' recreational cyclists. This is the responsibility of the condo corporation, but is a divisive issue for condo residents. When the idea was raised in the second round of meetings, respondents to the survey were evenly split:

- 26% strongly support the idea
- 25% support it
- 17% are neutral
- 25% somewhat support it
- 26% did not support it at all.

Participants also strongly supported having more ring and post stands and other bike parking in the areas around the building, and this was reflected in the facilitator's recommendation that we increase the amount of bicycle parking around existing and new condo developments. Ring and post stand locations can be [suggested online](#), and this process was brought to the attention of meeting participants. The facilitator also recommended that we consider bike parking lots and additional bike parking in retail stores. The Bike Share Toronto program and other bike sharing programs are other approaches that are also addressing this issue.

Further action

This is an area which calls for greater flexibility in the condo declaration and by-laws so they can be more easily amended to reflect changing needs and circumstances in individual condo buildings. The consultant's recommendation (#14) reflects this. This would be a new area for the City, since it is dealt with through condo governance processes that are regulated by the provincial Condominium Act rather than the planning processes that are the responsibility of the City.

Staff are recommending a series of approaches:

- Request the Province to examine the issue through the Condominium Act review with a view to making it easier to amend the condo declaration or by-laws to address changing parking circumstances;
- Bring the issue to the attention of the Condominium lawyers section of the Canadian Condominium Institute and to BILD so that they may address it in the initial planning and subsequent registration of new condo developments, and offer to meet with condo lawyers and developers to review the issues from the City's point of view;
- Include the issue as one to be considered during the development approvals process, possibly by having condo lawyers present at one of the meetings of developers and city staff where parking is discussed.

There may be many different 'solutions' to these issues, depending on the how the condo declaration and by-law treats parking (e.g. common element vs individually owned). The City may, however, facilitate the sharing of ideas between condos (as discussed below under 'information sharing').

Accessible parking locations

The issue Some participants pointed out that the accessible parking spots in their buildings were often in a poor locations for the accessibility function; for example, not having enough room to manoeuvre a mobility device in and out of the vehicle, and improper placement of buttons or switches near elevators. Since it is difficult to retrofit buildings to remedy these problems, it is important that the issue be addressed during the construction of the building.

The consultant's recommendation: Align zoning requirements for accessible parking and enforce them during construction (#15).

How the issue is addressed The present regulations and processes ensure that accessible parking spaces are indeed 'accessible' in new buildings:

- The zoning stipulates the required number of accessible parking spaces and specifies their size, which is based on access to the vehicle from mobility devices.
- The spaces are shown on the site plan drawings for a building and approved through Site Plan Control.
- The Building Code specifies that there must be a barrier-free path of travel to at least one level of parking, and this is verified before the building permit is issued.
- The building inspection verifies that construction is in accordance with the building permit.

No further action is needed.

Lack of family-friendly buildings

The issue

There is a growing awareness that the great bulk of new condos are small units that are suited for one or two people, but not for families with children. Smaller younger childless households dominate the local community. They tend not to be active in building 'community' because as they evolve they move to other neighbourhoods that better suit their needs. Few amenities are provided for children, which reinforces their unattractiveness for families.

Small units may suit the market today, but there is a concern that they may be less suited to tomorrow's market. Some participants feared that we are building the slums of tomorrow.

Compounding the problem, in the present market, the few large units built are unaffordable for most larger households.

The consultant's report indicates that there will likely be a need to begin to address these issues in existing buildings and communities. At the same time, there is an increasing need to ensure that new buildings are designed to facilitate a transformation over time and to provide a wider range of units at the outset. The report notes that some more flexible units are being designed on an experimental basis, and that this needs to be expanded to include greater consideration of:

- designing typical residential floor-plates that can be adapted or altered to accommodate household change over time;
- creation of 'swing' space between units that can be shared by adjacent units or captured as an additional bedroom;
- ensuring that party walls can be affordably punctured to link adjacent units if and when required;
- unit designs that allow for greater internal choice of living arrangements;
- combining ownership and rental tenures; and
- accommodating a broader mix of incomes.

Consultation participants in all parts of the City indicated their desire to raise a family in their condos, including Downtown. There was general support for the idea that the City should implement policies to support development of family-sized / flexible units in new condo buildings. Several participants also noted that family-sized units are necessary for mid-career couples or people who want to work from home – and this is another element of building a more multi-dimensional community.

There was also strong overall support for making larger units for families more affordable. On the downside, however, some participants were concerned that lower income residents may be stigmatized, that condos with 'affordable' units could be viewed as less competitive in the market, and that lower income households may not be able to afford increased maintenance costs that are often typical in condos.

The consultant's recommendations

The consultant provided a series of inter-related recommendations that build on current initiatives underway by the City Planning Division to address these issues:

- Continue to support Official Plan policies that promote a mix of unit types, housing forms, tenure and affordability. Where appropriate, examine how these policies can be expanded or modified to apply to condos, specifically in terms of unit layout and affordability (#19).
- Continue to develop and support new Official Plan policy regarding Units Suitable for Households with Children, which considers numbers of bedrooms and unit flexibility (#20).
- Continue to undertake studies and analysis to identify necessary revisions to the definition of affordable ownership housing so that it may more closely reflect the cost of developing “affordable” or below market ownership (e.g. condos), while continuing to address the City’s broader housing needs (#21).
- Continue to advocate at the Provincial level for additional mechanisms, such as inclusionary housing legislation or conditional zoning regulations, which would enable the City to require the provision of affordable housing units (#22).

How the issue is being addressed

The City has begun to address these issues.

Family units In 2010, staff developed a draft policy on 'units suitable for households with children' It proposed that at least 5-10% of all units in new buildings have 3 bedrooms or the capacity for 3 bedrooms. Consideration of the policy was deferred to the 5-year review of the Official Plan, and it is likely to be brought back to PGM in 2015.

Affordability The definition of affordable ownership housing is also being reviewed, with a report expected in 2015. The review will include research examining the prices of new units in Toronto, most of which are condos.

Provincial action The City has continued to press the Province to introduce regulations relating to zoning with conditions, to offer greater clarity on the types of issues that may be addressed. In particular, the City has asked that the regulations allow for affordable housing to be secured as a part of zoning with conditions. Previous responses from the Province on the topic have not been favourable, but discussions continue.

In addition the Chief Planner's most recent Roundtable on April 24th addressed the general issue of planning cities for families.

Lack of amenities and storage

The issues

Condo amenities such as swimming pools, billiard rooms, bowling alleys, dog runs, meeting rooms, BBQ patios, etc, are an important part of the condo lifestyle. They support 'community' within the condo building and a healthy lifestyle for residents. They are an important part of the attraction of condo living.

In the first round of meetings many participants cited a lack of amenities in their neighbourhood, particularly recreation and community centres. The survey indicated higher levels of satisfaction than this, but with a solid minority who thought there weren't enough amenities in their neighbourhood. This dissatisfaction may be overcome partly if people have better information about local amenities.

There was also a strong sense in some areas that amenity space was not used enough to justify the maintenance costs that are shared among all residents; and that there was a lack of flexibility in how the space could be used.

The consultant canvassed a couple of ideas related to amenity space:

- The idea of sharing the amenities with the 'public' (people who don't live in the condo). Generally, this was not supported.
- The idea of developers being able to reduce the amount of amenity space they provide in individual buildings if they contribute to the creation of a neighbourhood community facility for public and condo use. Again, this was not well supported

Many participants also cited a lack of storage space in their unit or a lack of access to a storage locker of an adequate size. This was the case both for small units and for families looking for space to store things such as seasonal toys or other children's items.

The consultant's recommendations

The consultant recommends:

- Develop guidelines and/or policy on how to provide and pool amenity spaces where growth is anticipated, having the policy or guidelines align with area-specific plans, especially for cases where there are multiple development companies building condos near to each other. Include public access as an element of the study (#31).

Large multi-building developments already typically share amenities if they have a single developer. The recommendation suggests extending the concept to areas with multiple developers. It would require further study to iron out issues of phasing, access, cost-sharing, maintenance, etc. This issue is also addressed in the Stage Two report of the Condominium Act Review, which recommends:

'Where facilities such as a swimming pool or party room are shared between more than one condo corporation or between a corporation and other parties an agreement (i.e. a shared facilities agreement) must be drawn up clearly defining the rationale and methodology for distributing costs among different entities. Separate meters or sub-metering arrangements should be put in place for all such shared facilities, where physically possible and feasible. An engineer or architect should certify the installation of separate metering or sub-metering of all shared facilities at the time the condo property is registered.'

The [Crescent Town Club](#) is a long-standing example of shared amenities between a local condo corporation (1,420 units) and a group of rental buildings (1,320 units) in the Crescent Town neighbourhood.

- The consultant also recommends increasing the amount of required storage space per unit based on a unit-size formula, ensuring an adequate amount of storage space for condos of all sizes (#33). Participants generally supported this though there were varied opinions on whether the extra space should be in each unit or in lockers.

How the issue is being addressed and further action

Amenity Space Most new residential development is required to provide amenity space. The new Zoning By-law requires that apartment buildings with 20 or more dwelling units must provide 4 sq.m. per dwelling unit, and at least half of this has to be indoors. At present, beyond ensuring that the required amenity space is provided, sharing of space between condos is not a major issue for development approval. It would not be a major priority for City Planning to pursue the consultant's recommendations, compared with other issues raised in the condo consultation.

There may, however, be opportunities to pool amenities in some areas, and city staff will encourage this in the right circumstances.

Storage space The amount of storage space is generally not considered as part of the development approval process, except in North York Centre where there are requirements. In the rest of the City, the zoning does not count below grade storage space as part of the GFA, providing an incentive to the developer to provide more storage space.

Staff do not recommend introducing storage space requirements across the city.

Building Quality and Construction Quality

The issues

Construction quality was a recurring issue from the first round of meetings. According to the consultant, 'there is a general public perception that the City is not carrying out adequate inspections of buildings prior to allowing occupancy and thus if improved inspections processes were implemented, fewer items would need to be claimed under the Tarion warranty.'

Participants were looking to the City to address the issues through the building construction inspection process. However, they misunderstood the City's role in the building inspection process.

Roles and responsibilities

An outline of the various roles and responsibilities in the condo construction and inspection process provides the context for a better understanding of the limits to the City's ability to address these issues.

The Ontario Building Code sets out minimum requirements to be met when a building is constructed, renovated, or undergoes a change of use and addresses public health and safety; fire protection; structural integrity of buildings; energy efficiency and water conservation; heritage preservation, and accessibility.

The City's role in conducting inspections is to enforce the Building Code. Issues that are not Building Code enforcement matters are beyond the scope of the City's responsibilities. Design professionals (architects, engineers) retained by the building owner are also required to conduct the 'general review' of construction and provide reports to the Chief Building Official on compliance with building code requirements. The City considers these general review reports when evaluating whether or not new construction complies with the building code.

Most of the building quality issues we heard about were defects pertaining to the quality of finishes (e.g. cabinets inadequately attached to walls, flooring improperly laid, pipes not well-caulked).

These matters are regulated through consumer protection legislation, including Tarion's warranty program, and procedures under the Condominium Act. They are ultimately matters between the condominium corporation or individual unit owners and the developer / builder.

As part of its role in these matters, Tarion requires builders to retain professional engineers or architects as Field Review Consultants (FRC) to monitor and report on a prescribed set of Risk Areas pursuant to Tarion's Bulletin 19 (B19) review requirements.

Tarion recently improved the B19 process because it recognized that buildings being built with a B19 review were not showing markedly fewer warranty claims than those built prior to B19. The improvements have included additional obligations around window-wall systems, drained cladding systems and acoustics.

The consultant's recommendations

The consultant has three recommendations addressing this set of issues:

- Proscribe a minimum level of review for builders that must be completed by design professionals. This level of review must be higher than the current standard and include new checkpoints that ensure that the design-intent has been achieved (#28).
- Encourage Tarion to publish and communicate common construction defects being claimed under warranty (#26).
- Commend Tarion for recent improvements in quality achieved by the Bulletin 19 Review and support the ongoing reinforcement of these requirements to maintain and continually increase construction quality (#27).

Further Action

Since the consultant's recommendations concern matters that are ultimately between the condominium corporation or individual unit owners and the developer / builder, staff recommend that the consultant's comments be forwarded to the Ministry of Consumer Services, Tarion and BILD for their consideration.

Tobacco Smoke

The issue Some participants complained of the smell of tobacco smoke seeping into their units from others.

The consultant's recommendation: Encourage the Building industry to build smoke-free buildings (or floors/zones within buildings) by including a smoke-free status in the Condominium documents (#29).

Further action The City could encourage BILD in this direction by forwarding them the consultant's recommendation to designate some buildings or floors as smoke-free.

Open Building Permits at Condominium Turnover

The issue Although it was not raised at the public meetings, in the consultant's opinion there is a problem with condominium developers leaving permits open. The consultant explained that,

'this happens because many items ... may not be complete prior to registration and turn-over. The builder completes the work, but has no motivation to close the permit. When the condominium corporation attempts to take out a permit many years later, they learn of the open permits but have difficulty closing them, because the City's records indicate the declarant as the building owner, even though the building has been registered and turned-over to the corporation. Often the declarant is a numbered or one-off company and is no longer reachable.'

The consultant's recommendation: Create a process that acknowledges the Condominium Corporation as the building owner after registration and turn-over so that the Corporation can get open permits closed more easily (#30).

How the issue is addressed The Toronto Municipal Code, Chapter 363, currently provides for the transfer of a permit from the developer to the condominium corporation. Beyond the proper due diligence of the condominium corporation, however, there is no administrative mechanism to alert it to the permit status. The onus is on the condominium corporation to transfer the permit.

Further action Staff will review the City's condominium registration process under the Planning Act. Staff will work to identify improvements so that the new condo board is advised if there are any open building permits for the building at the time of condominium registration and of the process for transferring responsibility for the permit.

Governance

The issues

In the first round of meetings, issues related to condo governance frequently arose – both as general issues, and as more particular issues related to individual condominiums and often to individuals within them too. These issues fall under the province's jurisdiction through the Condominium Act. All issues and ideas brought forward in the first round of meetings were forwarded to the Province for consideration as part of the Condominium Act Review.

Overall, the governance issues raised in the meetings have been addressed by the Condominium Act Review.

The consultant's recommendation

The consultant recommended that the City of Toronto should formally monitor the progress of the Provincial Condo Act reform to identify items that the Province declines to implement and that the City can take a policy lead on (#18).

Further action

City staff will continue to monitor the Condominium Act Review process to ensure key Toronto issues are addressed.

Rehabilitation of Older Buildings

The issue One issue related to both governance and building quality was adequate reserve funds and the large costs of maintenance and rehabilitation of older condo buildings. Although the provincial review is addressing the general area, the City's Tower Renewal Office in Social Development, Finance and Administration may also have role here through its STEP Program and its work related to retrofit financing options.

The [STEP Program](#) addresses areas of energy, water, waste, operations, community building and safety. STEP has primarily been applied in the rental apartment building context but it could be adapted for use with condo buildings, potentially with input from condo organizations such as the Canadian Condominium Institute and the Association of Condominium Managers of Ontario.

With respect to building condition improvements in older condo buildings, a program could be developed that provides retrofit financing similar to the City's energy retrofit [pilot program](#) for multi-residential buildings. The current pilot program, managed by the Tower Renewal Office, is governed by provincial regulation that is not suited to the condominium ownership structure as there is no mechanism for a condo board to enter into a program agreement. Alternative financing approaches may exist that would be applicable to condos.

Further action Staff recommend that Tower Renewal Office staff investigate the potential use of the STEP Program and energy efficiency retrofit financing mechanisms for condo buildings.

Voting Places

The issue

The City Clerk has noted the difficulty in finding voting places in municipal elections in condo buildings and condo neighbourhoods, and in neighbourhoods where other public spaces such as churches and schools are no longer available. In particular, although the Municipal Elections Act provides that if a condo has more than 100 units, it can be required to provide space for a voting place, there have been instances where condo boards and property management refuse to allow residents of neighbouring buildings to vote in their building. This results in greater expense for the City, because it has to set up additional voting places for small numbers of voters.

The consultant's recommendation

The consultant recommended: Support a change to the Condo Act to require Condo Boards to provide space for voting stations in municipal, provincial and federal elections if requested by election officials (#36).

The Consultant tested this idea in the second round of meetings. Overall, meeting participants supported the idea. The online survey results showed 48% supported the idea, while 32% were neutral and 20% did not support it. The comments suggested that although most people did not object to hosting voting places in their condo, they weren't entirely sure that this should be legislated and enforced as a requirement.

Further action

The City should request the Province to clarify the intent of section 45 of the Municipal Elections Act to ensure that condominium corporations must allow public access to voting places in their condo.

In addition, the condo declaration could include a provision stating that non-residents of the condo will have access to voting places in the building. The City should communicate this to condominium lawyers in the Canadian Condominium Institute.

Community building

The issue

Condos are communities – vertical villages, with a social tissue that needs care and tending. Participants in the first round of meetings raised issues related to 'community' in condos; for example:

- Condo boards don't foster social activity.
- Resident lifestyles (e.g. career focus, too busy) make it difficult to build social capital within buildings.
- New residents have difficulty integrating into the existing community.
- Families, who are interested in the community move out because larger units are too expensive.

In addition, a group of residents in a North York condo told us about their project for developing their 'vertical village' and were eager to share their ideas with others.

Many condo communities have the resources and skills to look after themselves and build their community. Others may need help.

It is also important to see condo communities as part of their broader community. Building a vertical village is one component of a successful condo, but it needs to be balanced by engaging with the broader community to meet social needs.

Further action

Although the consultant didn't have any recommendations directly related to community building, staff recognize its importance for the quality of life for condo residents. The City has few levers and fewer resources to actively engage in this process. It could, however, assist with the up-front development of a tool-kit for condo residents to build community in their buildings. Staff in Social Development Finance and Administration would be willing to begin a pilot project to develop such a tool-kit.

Information sharing

The issue

It was evident throughout the consultation that many condo residents simply don't know who to approach or where to find the information that deals with their issues and problems. Addressing this would be a simple first step to dealing with many of the other issues that were raised.

Many organizations and groups, even individuals, provide information on condos and condo living through their publications and web pages. But the condos themselves can be an important information source. The City's condos represent an enormous pool of talent and ideas. They are quite capable of addressing, if not solving, many of the particular issues and problems we heard about. The key is sharing ideas and information.

The consultant's recommendations

The consultant made a couple of linked recommendations:

- Study the costs and opportunities of a city-led initiative to facilitate the sharing of condo-related information in a variety of ways, from an online presence to a physical office. Task this initiative with providing neighborhood information, providing condo governance resources and the management and support of condo resident concerns related to all aspects of condo life, from community planning, construction quality and governance (#24).

Flow-through recommendations – use the initiative to:

- Collaborate with existing condominium corporations and condo residents to compile a list of best practices and resources, to make these materials available in as many languages and formats as possible and to consider the creation of an office within the City of Toronto. Specific suggested topics would include:
 - Create a best practices document for dog-owners associations including local neighbourhood amenities.
 - Create best practice options from other condo residents that have implemented a self-governed “parking share” program to balance the need for resident and visitor parking; e.g. if a resident owns a spot, but is out of the building for a week, the resident allows this spot to be used for visitor parking.

- Communicate the existing Official Plan policy to conserve all existing green space to combat the public perception that current green space is not protected (#25).

How the issue is being addressed

As noted above, some organizations and websites already provide condo-related information. But they deal mainly with the problems of condo living and related disputes – between owners, between owners and property managers, between owners and condo boards, etc. Examples include:

- The Canadian Condominium Institute
- The Association of Condominium Managers of Ontario
- The Condo Owners Association
- The Condo Information Centre
- Condomadness.com
- CMHC's [Condominium Buyers Guide](#)
- Ontario Ministry of Consumer Services' [Ontario's Condo Guide](#)

Further action and response to the consultant's recommendations

An on-line presence The consultant suggested that facilitating the sharing of condo-related information could be through an on-line presence. Operating a City-run website to share condo information presents opportunities and challenges:

- Resource demands – there would be a significant cost in staff time. However coordination may reduce resources used to respond to duplicative questions.
- There are no formal procedures for the city to recognize the authenticity or legitimacy of residents groups such as condo associations. However condo residents do not need to be formalized to be able to take advantage of existing information sources such as 211 (<http://www.211toronto.ca/>) or 311.
- Jurisdictional issues – many of the issues are essentially the responsibility of the province through the Condominium Act and other legislation.
- Moderation issues – managing a website may require moderation between competing interests, groups and individuals. This would be a difficult role for City staff in the absence of policy or guidelines for dealing with the issues.
- Reviewing discussion or postings on a website might provide the City with valuable information on issues within its jurisdiction.

Ideas manager If the issue of a City-facilitated resource (online or physical site) is to be explored further, a consultation might provide additional information for consideration. One possible methodology would be to use an online tool that collects ideas from participants. Ideas managers allow participants to submit ideas online and discuss, edit or debate those ideas with other users. This type of consultation could also be used to kick-start an information-sharing website that could then be managed by the City or an external group, and it could:

- collect 'stories' about how condo residents / groups have responded to particular issues, including those in the consultant's recommendation above;
- seek suggestions on content for a possible tool-kit; or

- identify potential sponsors or developers who could manage the website and facilitate information sharing in the long term.

Staff in City Planning and the City Manager's Office will pursue this approach.

A condo office in City Hall The consultant also suggested that facilitating the sharing of condo-related information could be through a physical office. This should not be necessary if the on-line approach is successful. Planning information and other neighbourhood information is already available through the City's website and other avenues. The proposed Condo Office (see below) will also provide condo-related information. Such an office would also require funding that is not presently provided for. No further action is needed at present.

The proposed Condo Office

One of the proposals coming out of the Condominium Act review is to set up a Condo Office for the province. It would have four main functions: education and awareness; dispute settlement; licensing condo managers; and maintaining a condo registry. The proposed condo office could also facilitate the sharing of ideas, perhaps through a webpage or similar on-line facility.

The City should share the facilitator's recommendation with the Province and suggest that it consider a broad information sharing and idea facilitation role for the Condo Office. Many of the issues are issues for condos across the province and not just City of Toronto issues.