

**City of Toronto
Condominium Consultation
Recommendations Report
January 2014**

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Executive Summary

The health of Toronto's condo communities is critical to the future health of our city as a whole. With the number of new condos quickly changing the face of Toronto, there's a lively and high profile discussion underway regarding what impact these condos will have and are having on the people living in the condos as well as on the broader city. In January 2013, the City of Toronto launched a two-phase public consultation process to engage people on a range of issues related to city planning and condo living. The City of Toronto retained Swerhun Inc. to conduct stakeholder and public engagement processes to help identify the key issues faced by residents living in condos. In addition, as part of the consultant team, the City retained R.E.Millward and Associates, Planning Alliance, and Halsall Associates to provide technical advice and inform recommendations to improve life for condo residents. The key objective of the engagement process was to seek feedback to support the City's efforts to develop policy recommendations that will improve life for condo residents.

Phase 1 of the consultation ran from February through to March 2013. In total, over 1,500 people provided feedback through five public meetings, industry and resident group stakeholder working sessions, an online survey, and other communication with the project team. Phase 2 of the consultation ran from April through to July 2013. In Phase 2, over 500 people provided feedback through four public meetings, an industry stakeholder working session, an online survey, and other communication with the project team. This second phase of the consultation was designed to gather feedback on draft ideas on how to improve condo living. These ideas were part of the presentation for the public meetings and the survey. The team sought feedback on both new ideas as well as existing processes currently underway at the City. Finally, the team also sought feedback on alternate ideas from the community on how to improve condo living.

There are 36 recommendations presented in this report under the headings of: Planning Process, Height and Density, Congestion, Green Space and Public Realm, Pets and Dogs, Parking, Condo Board Governance, Flexible Space, Family-Sized Units and Affordable Housing, Community Engagement, Construction Quality and Building Permits, Amenities and Voting Stations. The recommendations are presented in a consistent format: a numbered recommendation, the body responsible for acting on the recommendation, a high-level timeline recommendation for implementation and the rationale and background for the recommendation.

Beyond these recommendations presented by the consultant team, the two rounds of consultation produced a large number of ideas and recommendations from the citizens of Toronto. The consultant team strongly recommends that all City Staff review these reports when considering next steps for each of the recommendations, as well as for other condo issues not listed here.

Finally, it's important to note that these recommendations have been developed in response to the issues identified most frequently throughout the consultation. As such, there are some recommendations that support pre-existing work already underway by the City of Toronto. These recommendations are to be taken into consideration as adjunct or supplementary to the work already underway, with an intention of flagging that these issues are of great importance to the condo community.

PLANNING PROCESS

Throughout the consultation, condo resident participants were generally supportive of the work being done to create a planning vision for The City of Toronto. The larger issue is that many residents do not think that the City has adequate power or authority to ensure its vision is not compromised by several factors, including: a lack of transportation planning, internal coordination challenges, development industry trends and the Ontario Municipal Board.

Recommendation 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 required in areas of high growth.

Implementation Recommendation: Immediate (with Long-term implementation)

Responsibility: City of Toronto

Participants across the City felt that there are opportunities to create a more coordinated approach to planning Toronto's neighbourhoods, especially in the context of condo development, given that the pace of condo development in some areas is moving faster than the divisional plans and capital priorities. Consultation participants feel that planning is done on a building-by-building basis without consideration of the cumulative effect of ongoing development on the City's service provision, infrastructure and traffic. The City should better demonstrate and communicate that it is thinking ahead and working proactively to manage the amount of development and to determine at what thresholds upgrades to infrastructure will be required.

From the development industry perspective, there is an opportunity to apply this improved coordination at the development approval process as well with Planning as an active leader in coordinating and filtering all of the comments from various agencies. One potential format is a charrette-based system where City Planning acts as the convenor/catalyst on all development approval applications to save time and make the process more efficient. In this role, it would be City Planning's responsibility to connect all divisions (e.g. Planning, Technical Services, water, transportation, utilities, etc.) through the development approval application process (developers reported that currently this role is being played primarily by their planning consultants).

It must be noted that there are a number of initiatives currently underway that seek to coordinate planning, especially strategic planning. The City has existing policy tools that it uses – including Secondary Plans – to ensure areas that are facing increased development pressure are comprehensively planned prior to development. These Secondary Plans integrate planning and engineering disciplines. Some Secondary Plans are completed as part of the Municipal Class Environmental Assessment process (e.g. Downsview Area Secondary Plan, Lawrence-Allen Secondary Plan) and include a neighbourhood plan, a Transportation Master Plan and a Servicing Infrastructure Master Plan. Infrastructure requirements are defined within these plans through the use of projected densities.

As such, the opportunity raised through this consultation process is for the City to demonstrate the existing tools it can use to think ahead regarding how much development can be supported by the existing infrastructure, including: roads, transit, storm water, and hydro, at what thresholds upgrades to all existing infrastructure would be required and how this calculation is related to the development application process. In particular, a Downtown Master Plan could focus on projecting growth within existing and potential Secondary Plan areas and on Avenues, and could be used to coordinate transportation and servicing infrastructure provision to support additional growth.

Mechanisms should be established to integrate City Planning and Engineering Divisions at a higher level and to focus on the identification and coordination of large infrastructure initiatives that could help to support ongoing growth trends. Secondary Plans are, and should continue to be, used as a mechanism to integrate planning and engineering disciplines.

Recommendation 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.

**Implementation Recommendation: Short-term
Responsibility: City of Toronto**

Condo residents find the Ontario Municipal Board's (OMB) adjudication process particularly problematic when it results in the approval of increased height and density in existing condo neighbourhoods, especially when these approvals override the City's planning approach to support well-designed, context-sensitive intensification. Consultation participants were vocal regarding the negative impact of the OMB on neighbourhood planning, especially in areas where a large number of new condo developments have been or are being approved. The most frequently cited negative impact of OMB decisions was the additional height allowance that was permissible for new condo developments. There is a particular awareness of this issue in neighbourhoods where new condos have recently been built, as density in these areas is likely to continue to increase. Related concerns to increasing height include the negative impact of too much density on infrastructure, blocked views, reduction of privacy and decreasing property values.

This issue with the OMB is not solely a concern of condo residents. Many of these same concerns are held by residents across the city. However, it would be remiss to fail to flag the heavy support for changes to the relationship between the City of Toronto and the OMB within the condo resident community in particular, as were voiced throughout this consultation process. There is strong desire for changes that would strengthen and support the City's planning positions and policies and enable the municipal role to have greater authority in determining the direction of height and density in the City.

One contributor to this issue is that the OMB tends to rely more on the letter of planning policy than on local context and neighbourhood concerns when making its decisions. This case-by-case approach is more likely to result in planning decisions that are site-focused and do not build on "lessons learned" from other neighbourhood planning decisions or take other relevant development applications into account.

There is a pre-existing process underway regarding this recommendation, which is why this recommendation is presented with a "monitor and follow-up on" approach. On February 6th and 7th 2012, City Council adopted a motion (PG 9.11; MM11.7) requesting the Minister of Municipal Affairs and Housing to amend provincial planning legislation to abolish the Ontario Municipal Board's role in planning decisions. On November 16th 2013, City Council reiterated their request for the Minister of Municipal Affairs and Housing to revoke the Ontario Municipal Board's jurisdiction as an appeal body for planning matters in the City of Toronto. Along with this request, Council adopted directions to explore the creation of a Toronto-based appeals panel, as well as an independent Appeals Panel, to hear appeals of Committee of Adjustment decisions. An update and renewal of this initiative is needed. On December 4th 2013, Planning and Growth Management (PGM) Committee requested that the Planning Division initiate a public consultation process on the implementation of the Local Appeal Panel and report back to PGM on April 10th 2014.

The Ministry of Municipal Affairs and Housing has launched a consultation process through late 2013/early 2014 to gather stakeholder feedback of potential improvements to the province's land use planning systems, including what can be appealed to the Ontario Municipal Board. However, the elimination of or changes to the OMB's operations, practices and processes is not being considered as part of this review.

Recommendation 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.

**Implementation Recommendation: Short-term
Responsibility: City of Toronto**

Consultation participants said that Section 37 is problematic in two key areas: transparency and accountability. Some of the consultation participants want the community to be given an increased role in the determination of Section 37 benefits with decreased participation from the local Councillor while others felt that this process should not be community-driven. Participants were happy to learn of and extremely supportive of the study and consultation currently underway at the City to review and improve the Section 37 process. Specific issues to addresses via this recommendation include:

- Where Section 37 funds are spent, with participants expressing a desire to have the benefits available to the local community and in close geographic proximity to the development from which the funds are being derived;
- Whether there should be a larger role for the community to play in deciding how funds get spent, and if so, how that process should be managed;
- Whether or not Councillors should have final authority over Section 37 decisions; and
- Timing of the investment relative the construction of the new development. Participants shared experiences where they were told that the neighbourhood would receive a new amenity, however there was a much longer lag in the implementation of the amenity than expected. In these cases, setting a clear and transparent timeline with milestones would be of great benefit.

Several participants from the development industry identified the need for a paradigm shift regarding Section 37. They feel that it is the public sector's responsibility to provide amenities and to manage the availability of services. This cost should not be the sole financial responsibility of the development industry, it should be proportionally shared with existing residents of Toronto, both those living in condos and those not living in condos, and there should be full disclosure and transparency to residents regarding the costs of their park requests (see related Recommendation 8).

Generally, only developments of a significant size and in which there is a significant increase in height and/or density qualify for Section 37 benefits. Such benefits are described as "facilities, services or matters" in the Planning Act, and are outlined in more detail in a municipality's enabling by-law. Examples of Section 37 benefits to the community include: local streetscape improvements, heritage conservation, provision or funding of community services and facilities, and other capital projects to improve a community's livability. The determination of the value and type of benefit provided is a process that is often driven by the Ward Councillor. In this sense, Section 37 negotiations have been described as being "ad hoc", with each individual contribution considered based on its unique development, neighbourhood and stakeholder context.

The City Planning Division is currently undertaking a review to recommend potential improvements to the existing Section 37 implementation process in order to improve the clarity and transparency of the current process and provide for improved consistency for Councillors, the general public, the development community and City Staff. As with the recommendation related to the OMB, this issue is not one specific solely to condo residents.

HEIGHT AND DENSITY

Recommendation 4:

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 stepback from base building

Implementation Recommendation: Short-term Responsibility: City of Toronto

As discussed above in relation to Section 37 guidelines and the Ontario Municipal Board, height and density issues were frequently raised during the consultation. This recommendation provides the City with an explicit and quantitative tool to apply to new condo developments. Guidelines, while flexible, are subjective and easily challenged. For those that may have the greatest impact on the livability of condominiums (e.g. window separations), enshrining them in legislative instruments will signal their importance and trigger the scrutiny of a rezoning.

There was strong support from consultation participants to find ways for the City of Toronto to have “more teeth” to enforce its planning vision. It’s important to acknowledge that a good number of participants expressed solid support for the City of Toronto’s planning intentions, and that there is concern that bodies such as the Ontario Municipal Board override the City’s intentions as it has the legal authority to do so. This recommendation presents a tool to use for more local authority.

The development industry was not supportive of this recommendation. They indicated that increased flexibility is needed to allow developers to take a more creative design approach, increase design quality, and to make more efficient use of land. They also suggested: that the Design Review Panel opinions should trump guidelines; that guidelines should not be applied retroactively; that design guidelines and the design process should be designed to stimulate innovation and that the City fails to appreciate developer priorities related to economics and use of time. Participants also noted that a recent (2011-2012) review of the City’s Tall Building Design Guidelines had been undertaken and that the outcome of this review was to maintain the guidelines as guidelines rather than regulations, with frequent reference to the negative impact on innovation and architectural creativity of making this change, as was also discussed during this consultation process.

Urban Design Guidelines are intentionally not legislated to allow for flexibility in specific contexts. As a result of this status, they can be subjective and easily challenged. However, certain aspects of the Tall Buildings Guidelines and Mid-Rise Performance Standards are meant to maintain separation distances and setbacks between buildings to ensure a reasonable expectation of light, views and privacy for all residents. Enforcing these standards more rigorously will help protect these conditions. If these standards cannot be met, an appropriate rationale and mitigation strategy should be reviewed through the rezoning process.

Recommendation 5:

Further to the City 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.

Implementation Recommendation: Short Term**Responsibility: City of Toronto**

Consultation participants expressed that the rules currently regulating development application exceptions are not strong enough to support existing regulations, and that as a result, new buildings are exceeding the height and scale outlined in the existing City of Toronto policy planning framework.

The City of Toronto currently has a process underway to study new ways to make the development permit application system more prescriptive, transparent and accountable. Similar to the recommendation regarding the OMB, this is not a concern or desire voiced solely by those living in condos, but one raised frequently due to the number of new developments and rapid growth in some of the condo neighbourhoods of Toronto.

One core potential benefit of revising the existing system to be more prescriptive, transparent and accountable is related to better managing the expectations of both the development community and the residents of Toronto. With less of a potential surprise regarding exceptions to existing zoning regulations, and more widespread knowledge of the range of permissible development, there is an opportunity to reduce the number of development applications that end up at the Ontario Municipal Board. This recommendation uses both education and process to improve the capacity of all participants to engage in neighbourhood planning.

The Development Permit System is a prescriptive land use planning tool that integrates zoning, site plan and minor variance processes into one application and approval process. This system can be beneficial to residents as it identifies permitted uses and design standards for an area which can only be changed if the entire permit is amended. This system is also supportive of a more "neighbourhood-focused" approach to community planning rather than on a site-by-site basis, creating engagement that can become proactive rather than defensive. For developers, this type of a system provides certainty in planning permissions, as well as a faster, streamlined application process.

City of Toronto Planning Staff has prepared a report which provides guidance on the implementation of the Development Permit System in Toronto. The City's report was presented to the Planning and Growth Management (PGM) Committee in December 2013, and recommends consultation with the public and key stakeholders leading to a proposed Official Plan Amendment. The Committee requested that the consultation be carried out and be reported on at the April 10th 2014 PGM Committee meeting, and that terms be developed for a pilot project in the King Spadina Planning District. Additional pilot projects in the other City Centres would also be helpful to respond to their various contexts, which may differ from the Downtown.

CONGESTION

Recommendation 6:

Study the impacts of a requirement for developers to contribute to transit service improvements if 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 number of parking spots).

Implementation Recommendation: Medium-term (may need City of Toronto Act or Provincial permissions)

Responsibility: City of Toronto

Participants provided a clear message that an increased investment in transit is a requirement to make reduced reliance on cars a reality, and were somewhat supportive of this recommendation. This recommendation was not supported by the development community nor by some of the condo resident community, albeit for different reasons. Members of the development community stated that they were working towards reduced parking levels as set out by the City to support a reduction in automobile use, thus charging the industry for supporting this initiative penalizes the industry for a City shortfall. They also expressed concern regarding accountability in relation to these funds – several participants expressed concern that the funds would not be traceable back to investments in public transit (similar to concerns with the lack of accountability regarding the use of Section 37 funds). From the residents' perspective, there are concerns that any charges passed on to the development community will trickle down and cause an increase in unit prices.

Beyond this specific feedback, there was a strong and consistent message from participants that providing transit improvements is a vital element of reducing reliance on cars. While the City's vision for less automobile use is laudable, it is problematic to execute this on a policy level that impacts both residents and the development industry without providing the required supportive transit infrastructure. The City must ensure that a reduction in parking and an increase in transit capacity shift in tandem so that the wholly foreseeable increased demand for transit is met. The reduction in parking cannot continue to happen in advance of the provision of transit capacity. See related recommendation number 17.

In the City's Downtown and Centres, property developers are reporting a lower demand for parking spaces, often because purchasers see transit as a viable and accessible option thus negating the need to own a car. In the review of development applications that provide a parking rate lower than is required by the Zoning By-law, the rationale often cited is that alternative transportation options are available, both active transportation or public transit options. This is a good practice, as it supports City policy goals and in many instances it has been shown that parking demand is lower than the required parking rate, based on a development's specific neighbourhood context and in relation to existing transit infrastructure. At the same time, while this type of new development may be reducing car dependence, it is also introducing new riders to an already overtaxed transit system. The provision of less parking results in a significant reduction in development costs; however, there is no development-specific compensation to target local transit improvements to accommodate new riders.

Given that there is a lack of funding for transit, and that inadequate transit has a negative impact on the mobility of all City of Toronto residents, this recommendation looks to all public sector stakeholders for opportunities to contribute to transit improvements. This study would help determine whether such a financial tool would be able to raise enough money to have a material impact on transit improvements.

Recommendation 7:

Refine the current review guidelines and standards for road closures to achieve a reduction in lane closures and obstructions.

Implementation Recommendation: Short-term**Responsibility: City of Toronto**

Consultation participants were vocal about the negative and disruptive impact of living near a new condo construction project. While there is understanding that this is a growing City, and that construction is somewhat inevitable and a positive economic force, it would be beneficial to seek a process-driven approach to mitigate negative impacts of new construction on existing residents.

One particular issue raised repeatedly is the amount of space taken up by construction equipment or materials on busy roads, especially when the materials appear to sit unused for large portions of time and use the public right of way as a storage facility while contributing to increased congestion. Finding improvements to how these construction materials are staged would minimize the negative traffic impacts. It is also important to revisit the definition of an appropriate period of time for a road closure as it relates to the amount of work to be done. Additionally, any potential improvements to the temporary signage used to indicate where roads are closed to help mitigate the impacts of construction-related lane or road closures should be explored.

The City of Toronto recently completed the Downtown Transportation Operations Study (DTOS) with the intention of identifying and addressing congestion and traffic operations issues within Downtown Toronto. This report identifies illegal and legal lane and road occupancies as two of the leading eight causes of congestion in the City, and also outlines a number of projects which should be undertaken to reduce the occurrence and mitigate the effect of such lane and road occupancies.

On November 20th 2013, the City's Public Works and Infrastructure Committee considered a report from Transportation Services Staff, along with a Congestion Management Plan for 2014-2018. Among the report's recommendations is a recommendation to improve the coordination and management of the lane occupancy permit system, including a review of permit fees and monitoring. This report was adopted by City Council in December 2013.

GREEN SPACE AND PUBLIC REALM**Recommendation 8:**

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, Property Developers and City Staff.

Implementation Recommendation: Medium-term**Responsibility: City of Toronto**

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. The general sentiment is that the City should increase its efforts to purchase new park space in downtown Toronto.

The development industry raised a related issue: instances when developers are approached by residents regarding new park space that the community believed was due to be created as part of a new condo building. Examples were also provided of scenarios when a developer has been accused of not providing the park space required by the City. As those familiar with the park levy system know, this scenario is not possible as the developer must pay their attributed parks levy in order to receive their building permit for new construction. Part of this issue may stem from a lack of public knowledge regarding the City's parks funding formula. Developers also expressed concerns

regarding the ways in which their cash-in-lieu payments were being used, and felt that more transparency should be provided, a greater portion of funds should be spent within the area of the development that generated them and that parkland acquisition and improvements should happen more quickly after the funds are collected. These measures would help reduce the confusion within the community regarding the provision of parks associated with new condo buildings.

One of the requirements of a new development is the provision of a Parkland Dedication, where a portion of the site is developed as a public park, or cash can be contributed in lieu of physical parkland. Often, especially in the Downtown and Centres, new developments occur on smaller sites that do not have adequate land to provide a Parkland Dedication, as the resulting park would be too small to be significant. In such cases, cash-in-lieu payments are made instead, and the funds generated are spent on the acquisition of new parkland or the improvement of existing parks and recreational facilities. The current by-law allocates cash-in-lieu payments in the following manner:

(1) 50% for the acquisition of lands for parks and recreation purposes, further divided as follows:

- (a) 50% to acquire parkland within the district where the funds were generated; and
- (b) 50% to acquire parkland throughout the City.

(2) 50% for the development of parks and recreation facilities, further divided as follows:

- (a) 50% to develop and upgrade parks and recreation facilities within the district where the funds were generated; and
- (b) 50% to develop and upgrade parks and recreation facilities throughout the City.

Despite this prescribed breakdown, Community Councils may recommend to City Council that the allocation of up to 100% of the district portion of parks and recreation facility development for the acquisition of parkland within the district where the funds were generated. There can be a significant period of cash-in-lieu collections before any parkland acquisition occurs. This lag is one likely contributor to confusion regarding the connection between new developments and the creation of additional parks.

At a higher level, explaining the program for parkland allocation, whether via dedication or cash-in-lieu, would help underline the City's commitment to the ongoing expansion and development of its parks system. Part of this explanation would be to include the challenge in acquiring high-priced land in dense areas, and how other approaches can be used to offset this challenge.

While the information provided by the City regarding the high-level approach to parkland dedication or parks levies is one step, the next helpful step would be to provide a more fine-grained approach to publishing this information in parallel with planning information about new developments. Given that parks levies must be collected prior to any building permits being approved, it would be beneficial to provide all stakeholders with a clear and easy to access resource regarding each development's parkland contribution information; this would be a tool that the development industry could use as a resource to respond to resident and community inquiries regarding specific parkland contribution.

In addition to calculating the value of the cash-in-lieu payment, Parks Staff could report the intended or potential allocation of district funds to specific local parks or facilities during the commenting phase of a development review. This in turn could be included in the final Planning report recommending development approval. By adjusting these process steps, parkland acquisition and improvements can be more closely tied to development and better understood by all relevant parties to these discussions.

A related item of note regarding disclosure of parks funds (amongst other funds) was raised by the Planning and Growth Management Committee in May of 2013, as item PG 24.12, which City Planning is due to report back on. It is recommended to consider this recommendation in coordination with the pre-existing item to best coordinate how the information is managed and made available.

Recommendation 9:

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.

Implementation Recommendation: Medium-term

Responsibility: City of Toronto

The consistent message from participants about park spaces downtown and in other densely populated areas is that they are much-needed, well-loved and in some cases, over-capacity. To continue to expand the green and open space in the City, there is an opportunity to innovate within new developments to add green spaces.

There were several concerns voiced regarding this undertaking, most of which relate to ownership and maintenance of the space – given that this would be private space being used publicly, the condominium corporation of the building would be responsible for its maintenance. However, several condo resident participants urged others to think beyond “the blocks of private space” when it comes to condominiums. They also requested the City improve walkable areas around buildings to enhance public use of space around condos.

In all cases of the creation of POPS, it would also need to be clear to all users and condo residents that this type of space would not be maintained by the City of Toronto in any capacity. In addition, as was made evident through the public consultation, there is a need to provide better education to residents about the ownership and maintenance of open space around buildings and clarity on how their condo fees relate to maintenance, and which elements fall under the City’s jurisdiction for maintenance (generally these are public right-of-way easements and are small pieces of property). It is also important to note that using private property for POPS would not qualify as a parkland dedication, so the provision of these spaces would not reduce or minimize the contribution from the developer’s side of the equation.

For new partnerships such as those required by POPS to work, there must be a benefit to all stakeholders involved. It will be up to the initial condominium corporation to decide whether the benefit of providing an animated and green space for the community, making the space safer and the neighbourhood more attractive is worth the cost of maintenance that the condo residents would bear. To make this option more appealing, there are certain design and landscape options that would support low-cost maintenance, and would not be greatly increased due to public wear and tear. This is an early-days idea - the City is currently mapping existing POPS (privately owned public spaces); next steps require the collection and development of best practices models to seek out additional opportunities in new developments to learn how the standard concerns of all stakeholders have been addressed in a successful model.

While reviewing development applications, Planning Division Staff have the opportunity to comment on proposed site and landscape plans, and can prioritize the provision of privately owned public spaces. This issue requires consultation and planning with the various stakeholders, including the City Parks, Forestry and Recreation Division.

Recommendation 10:

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.

Implementation Recommendation: Medium-term**Responsibility: City of Toronto**

This recommendation is in a similar vein to the previous recommendation – given that open space is such an important element of socializing and having a healthy culture, the City should be continuously innovating in the ways it can provide open space in areas of increasing density and constrained parks space. While consultation participants were quick to point out that public realm elements are very different than open and green space, and serve a different purpose, there is still great value in making the streets and sidewalks places for people to gather and socialize. In addition to providing basics, like places to rest and stop and talk, public realm improvements also contribute to safety, walkability and a generally improved neighbourhood feel.

There are currently several mechanisms in place to support this type of development, including Master Streetscape plans and Public Realm plans. Business Improvement Areas (BIAs) are often the champions of these types of activities, and this may be another stakeholder group with whom the City could consult to provide resources and support to neighbourhoods with new and emerging BIAs.

The City is currently studying the development of Complete Streets Guidelines for Toronto. Such guidelines offer the opportunity to look at all aspects of a street's functions to ensure that infrastructure for active transportation, street trees, urban design and more are considered. Such a strategy would include best practices for public spaces.

In May of 2013, Toronto City Council adopted a motion requesting that the General Manager of Transportation Services and the Chief Planner and Executive Director of City Planning develop Complete Streets Guidelines based on the following:

- Integrating the City's by-laws;
- standards and specifications;
- Walking Strategy;
- Bike Plan;
- Urban Design Guidelines;
- Toronto Street Trees Guide; and
- Current best practices for urban street design guidelines.

Recommendation 11:

Communicate and publish how best practices from other cities continue to inform the existing parkland acquisition strategy in Toronto.

Implementation Recommendation: Medium-term**Responsibility: City of Toronto**

Participants were keen to draw on ideas and solutions used to manage park spaces in other fast-growing cities around the world. Currently, all City divisions seek out best practices to inform their policies and practices. The City of Toronto's acquisition of parkland is guided by the Official Plan and the priorities identified in the Parkland Acquisition Strategic Directions Report, adopted by City Council in 2001. 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. When reviewing best practices, it is important to select parks and cities that are of comparable size or have related revenue models in order to make the comparisons helpful and applicable.

Given the interest from participants to apply global best practices to Toronto, one suggestion is to publish and explain case studies or lessons learned from other cities of comparable size, with comparable issues. The opportunity here is to increase communications and public understanding of how best practices inform the current work of the City's Parks, Forestry and Recreation Division.

PETS AND DOGS

Recommendation 12:

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.

Implementation Recommendation: Medium-term Responsibility: City of Toronto

Pet ownership is a large and important factor to be considered in condominium development, particularly with respect to outdoor space for dogs to run and relieve themselves. Neighbourhoods with limited green space and high residential density have competing demand for the use of parkland.

In the Downtown particularly, consultation participants were vocal about both the user conflicts and negative property impacts of pets, particularly dogs. The project team received a number of photos highlighting the dead grass and other impacts on condo landscaping that are a result of an uncoordinated policy or system to manage the pet population in buildings and a lack of etiquette amongst dog owners. In addition, City Staff have cited increased pet traffic as a challenge to maintaining the health of the City's trees. Given the high number of dogs in condo buildings, it is forward-looking to begin to implement policy guidance to make condo developments work well for all residents, pet-owners and non pet-owners alike.

Neighbourhoods with limited green space and high residential density have competing demands for the use of parkland. Requests for off-leash areas and amenities must be balanced with other community recreation uses of the parks and cannot always be accommodated. Parks, Forestry & Recreation Staff will be reporting to the Parks and Environment Committee in March 2014 on changes to the existing Dogs Off-Leash Policy and alternative approaches to address the demand.

While the challenges with user conflict in parks and off-leash areas are currently being studied by the City Parks, Forestry and Recreation Division, the consultation highlighted one key focus area to manage separately, the provision of dog washroom space - a small dedicated area to manage pet waste.

The development industry clearly stated their position that this issue should not be the responsibility of the developer to resolve, as there is a large human element related to the issue, and it cannot be guaranteed that the layout or use of any provided amenities would be enforceable or desirable to either pet-owners or their pets. However, in the context of setting aside a smaller piece of property for explicit use as a washroom, and only considering the larger amenities such as dog runs where suitable, there may be a tradeoff that would help begin to address the current issue of property damage due to dog waste.

A study to determine appropriate requirements or guidelines for the provision of amenities to address pet-related needs in new developments can include a study of best practices. The City may

wish to consider a minimum number of proposed units that would trigger such requirements and potential incentives such as allowing pet-related facilities to be included to a maximum percentage of indoor/outdoor amenity space standards.

At its February 2013 meeting, City Council requested the Planning and Growth Management Committee to recommend a new policy by June 2013 to promote and provide pet care facilities in all new mid-rise and high-rise developments. This request is still outstanding. Parks, Forestry & Recreation staff will be reporting back to the Parks and Environment Committee on changes to the existing Dogs Off-Leash Policy and alternative approaches to address the demand.

Recommendation 13:

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 and communicate their existence to dog owners.

**Implementation Recommendation: Medium-term
Responsibility: City of Toronto**

In order to best explore all options available to help resolve this problem, the project team recommends that the City create a plan for small potential “interventions” to help resolve pet issues in the Downtown. This kind of a study would include ways to allocate small pieces of existing City property as dog washrooms, how to map and communicate pre-existing dog amenities so they could be better used, and how other densely populated neighbourhoods have innovated to resolve issues related to pets in a limited space.

Given that this issue was most acutely felt in the Downtown, it would be logical to start with the Downtown as a geographical limit/constraint and then use lessons learned from the study where applicable throughout the rest of the City.

PARKING

Recommendation 14:

Convene a meeting with the development industry, 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.

**Implementation Recommendation: Short-term
Responsibility: City of Toronto, Condo Corporation**

Participants discussed a range of issues related to parking, as well as providing some insights into solutions they had devised themselves within their condo boards to best manage flexibility for resident parking needs, such as sharing private parking spaces in an agreed upon manner to address visitor parking shortfalls. While some ideas were shared as solutions that other participants could try within their respective condo boards, these agreements often required a very coordinated approach by the residents to work within the framework of their condo documents. These condo documents can be confining in certain cases and may not allow for the flexibility required due to legal requirements to use the parking spaces as defined in the condo documents.

These three stakeholders (development industry, legal community, condo managers) are the necessary participants to gather together in-person to focus on issues related to parking, create an agreed upon problem statement and work together to brainstorm ideas on how to address the problem. This meeting would differ from meetings the City has convened previously with the individual builders regarding their particular parking schemes, and would extend the conversation to how the industry as a whole can provide more flexible and workable options for condo residents. Involving the lawyers who are the authors of the legal framework of the condominium documents

and legal framework is a key differentiator and feature of this meeting. This meeting could take the format of a design charrette with the City acting in a convener role. This session could cover topics including the issue of flexible parking regarding owner/visitor spots, cycling parking, electric car charging and other related topics.

It's important to note that meetings do already occur between City Staff and developers with regards to proposed parking schemes on an as-needed basis. This charrette simply adds the needed dimension of the legal industry, as they are responsible for managing the first set of condominium documents where this issue is defined and the framework for the ongoing management and use of parking spots is laid out.

Recommendation 15:

Align zoning requirements for accessible parking in new developments across Toronto and enforce them during construction.

**Implementation Recommendation: Medium-term
Responsibility: City of Toronto**

In several meetings, participants raised issues related to the lack of accessibility in the parking lots of their buildings. Given the aging population in many condo buildings, it is necessary that these issues are addressed in future developments and that a dedicated step of checking in on this particular feature during construction be created. Beyond the provision of spots, further issues raised included not having room to maneuver in a mobility device once out of a vehicle and improper placement of buttons or switches near elevators. There is great difficulty in changing the physical structure of many features of buildings, so it is important that this issue be addressed while there is still flexibility to update the construction approach to be sure it supports accessibility for all residents.

Recommendation 16:

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.

**Implementation Recommendation: Medium-term
Responsibility: City of Toronto**

Participants raised traffic congestion as the most visible negative impact of inadequate stopping and delivery space, given that without adequate stopping or delivery space, commercial vehicles will park illegally.

This relates to the condo context in that condo buildings require certain types of temporary access for couriers, tradespeople and other one-time events such as moving in or out of a building. Providing adequate space for this type of activity is necessary, as without it there are frequent cases of illegal stopping or parking creating additional traffic congestion issues both for condo residents and neighbourhood residents. Given the City of Toronto is already in the process of conducting the Downtown Operations Study, there is potential to leverage the findings and solutions raised to see how they could be applied to new and existing condo developments. These learnings would have to be considered in the context of comparable locations outside the Downtown (street width, traffic volume, parking, etc.).

Recommendation 17:

Build the transit required to support the planning direction to reduce available parking, especially Downtown and in North York.

Implementation Recommendation: Long-term
Responsibility: City of Toronto

Throughout the consultation, participants raised the need for increased and improved transit services in Toronto. While the Official Plan “Feeling Congested” consultation and various Metrolinx projects and consultation are focusing on the “how” this could be done, it is important to tie this feedback directly to the condo consultation as many residents who live in condos, especially in North York and Downtown, find the congestion around their condo to be one of the most negative aspects of their condo experience. While this issue is not necessarily particular only to condos per se, it is increasingly a factor in areas of high-growth and high-density, which often includes neighbourhoods with condo buildings. While the recommendation does not speak to the “how” of building and developing transit capacity, it would be remiss to fail to include this recommendation as it was a commonly heard issue tied to the quality of life in condos.

CONDO BOARD GOVERNANCE**Recommendation 18:**

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.

Implementation Recommendation: Immediate
Responsibility: City of Toronto

Participants were consistently happy and reassured to learn of the concurrent process that the province of Ontario is undertaking via the Condo Act Review and to learn of the five focus areas under review: consumer protection, financial management, dispute resolution, governance and condominium property management.

There was a large amount of education that occurred throughout the City’s consultation process to help many condo owners (particularly first-time condo owners) understand issues related to jurisdiction, to clarify what the City of Toronto was and was not responsible for, what the Province of Ontario was and was not responsible for, and what the Condo Corporation was and was not responsible for. Several times participants that attended meetings were disappointed to learn that there was not a dispute resolution mechanism that City Staff could direct them to for support with their issues. However, at several consultation events, participants were able to help each other with suggestions on how to address issues related to condo finances, repairs, landscaping issues, who to contact and how to contact them, etc. This experience was a large part of the suggestion for Recommendation 24 that would have the City help support a condo office that would formalize and make available additional resources beyond those provided by organizations such as the Canadian Condominium Institute.

Given that as of July 2012 MPAC data, 40% of residential Condominium units and 21% of residential Condominium Corporations are located in Toronto, The City of Toronto is a particularly important stakeholder in the Condominium sector. In particular, we recommend that the City monitor progress on licensing of managers, development of educational material for condo owners and a dispute resolution office/officer that the City might consider adopting, independent of the Province, if the Province decides not to move ahead with these concepts.

FLEXIBLE SPACE, FAMILY-SIZED UNITS AND AFFORDABLE HOUSING

Recommendation 19:

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.

Recommendation 20:

Continue to develop and support new Official Plan policy regarding Units Suitable for Households with Children, which considers numbers of bedrooms and unit flexibility.

Recommendation 21:

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.

Recommendation 22:

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.

Implementation Recommendation (All): Medium-term Responsibility (All): City of Toronto

Broadly speaking, participants were supportive of the idea that the City should implement policies to support the development of affordable, family-sized/flexible units in new condo buildings, though several urged caution and warned that larger units are less affordable and more difficult to sell. The development industry also shared its concern regarding large units, the lack of demand for them and cautioned against creating policy requirements to force larger and/or more affordable units. Several developer participants said that they would feel less constrained in delivering family-sized units if the City relaxed some of the restrictions currently imposed on the industry (e.g. related to height and density).

Condo resident participants raised several additional issues and potential solutions to address them, including:

- Small (Bachelor, 1-bedroom) condos attract residents only for the short-term, which creates a transient community that is not active in building a community because condo residents living on their own often have no long-term plans to stay in the neighbourhood.
- There is currently a lack of demographic diversity in neighbourhoods with a large number of condos with one or two person households; neighbourhoods of this type do not have children in them, which reduces the quality of life for all residents.
- Some condo residents, such as those that work from home, would simply have an increased quality of life with larger unit sizes.
- For more child-friendly housing, consider a concurrent social policy approach to be inclusive of families, beyond physical amenities and towards the pricing and cost of maintenance for condos so that families could consider a condo lifestyle a truly viable living option.
- It may be difficult to implement the financing of affordable units and any related programs in a privately owned building.

From the development industry perspective, several participants said that it makes the most sense to start off with smaller condo units that allow residents to combine units as they need to address

this issue. Large units were viewed as not economically feasible, as they are too expensive for the market to afford.

One of the principal problems arising from the current high demand for smaller condominium units (typically a combination of bachelors, one-bedroom and two-bedroom units) is the inability of these new buildings to adapt to changing household size over time. They are geared predominantly to limited markets catering to small households only: single young professionals, younger professional couples and empty-nesters.

We are now in the second generation of significant high-rise development in Toronto. The first occurred between 1960 and 1975 and a greater number of high-rise buildings were built in this period than have been built since 2000. St. James Town is typical of this period. It was originally designed and built to provide rental accommodation for "swinging singles" and other small families, with a mix of Bachelors and one and two-bedroom units, in the same way that is happening today. However, within another 10-15 years these initial occupants had moved on, or were forced to move out, to marry and have children in other forms of housing where they could find two, three and four bedroom houses. In turn, St. James Town transformed into a reception centre for immigrant singles and eventually their families which resulted in over-crowding and in turn led to deterioration in social conditions.

There will likely be a need in the near future to begin to address similar issues of transformation of this second generation of high-rise development, albeit a primary difference being that condominium units are owned not rented. At the same time, to the extent that condominium high-rises continue to be built, there is increasing need to ensure that these buildings are designed both to facilitate such transformation over time, and to provide a wider range of units at the outset. Although a draft policy proposed that at least 5-10% of all units in new buildings have three bedrooms, or the capacity for three bedrooms, consideration of the policy was deferred at the Planning and Growth Management Committee, in part due to a developer lobby against it.

The ideas of providing a broader mix of unit sizes at the outset, and designing residential floor-plates to facilitate growth and change, are not new ideas. These approaches have long been used in The Netherlands, for example, by creating single buildings with separate cores servicing different ranges of unit size, and different levels of affordability, or creating units that can expand and change in accordance with residents' needs. This mix can also be accommodated by building in the potential for larger units to rent out a self-contained bedroom by providing a second access from the corridor to this bedroom. Thus, owners can elect to rent this bedroom out when they are starting out and then capture it for use by a new member of their family when required.

In 1990, the City and The Province commissioned a report entitled "New Designs for Multi-Family Housing in Ataratiri and The Railway Lands", this was before either the West Don Lands or Railway Lands began to be developed. The purpose of this Study was to examine ways in which current demographic, economic and social change could or should influence the design of dwelling units and common space in multi-family housing developments. The Study looked at the ways in which new residential buildings could accommodate a broader range of nuclear and non-nuclear families in order to test results.

The households studied included:

- 1) A Single Adult Living Alone
- 2) A Single Adult Using Home as a Work Space
- 3) A Single At-Home Parent and One Child
- 4) Two Adults not living Conjugal
- 5) A Single Working Parent and Two Children
- 6) Two Working Parents and Two Children

The Study proposed to provide two alternative “flexible” floor plates of different widths that could be developed initially to accommodate a variety of units designed to accommodate this range of households and then altered over time to accommodate changes in these households, e.g. single adult gets married, children leaving home, etc. This involves careful consideration of the design of party walls so that they can be easily punctured when required to add additional space to an adjacent unit, or to close off a rental unit. It also requires more careful consideration of the grouping of kitchens and washrooms so that they can adapt to change.

This approach is beginning to be applied on an experimental basis in some of the most recent condominium projects, where, for example, what are initially built as two one-bedroom units, or a one-bedroom and a two-bedroom unit, can be combined to form a new three-bedroom unit, or other similar combinations. These need to be expanded to include greater consideration of the following:

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

In summary, future condominium design should seek to introduce the same sorts of flexibility and adaptability that other forms of housing - single detached, semi-detached, duplexes, triplexes and quadraplexes - have demonstrated over time.

Finally, there are two additional issues related to families in condos and affordability for further consideration. The first issue is significant rent increases experienced by tenants in condominium units built after 1991 (which are exempt from specific rent increase requirements under the Residential Tenancies Act). The second issue is significant increases in monthly maintenance costs experienced by condominium owners, resulting in many owners needing to sell and move prematurely as they have not been able to cover the rising maintenance fees.

COMMUNITY ENGAGEMENT

Recommendation 23:

Work with Toronto's Open Data team to make planning information more accessible, 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.

Implementation Recommendation: Short-term

Responsibility: City of Toronto

Across the City, participants shared their interests and desire to play a larger role in the planning of their neighbourhoods and communities. As such, having additional information about development in the community, such as development applications, amenities, Section 37 benefits information, and many other pieces of information would be helpful to residents to help inform their opinions and be able to contribute to the conversations in a more meaningful way. Beyond the information itself, having the data available in an open format would enable applications to be created that could be used to further involve others in the community, such as the development of web applications that could create posters to display planning information in a more accessible and engaging manner.

Recommendation 24:

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 neighbourhood information, providing condo governance resources and the management and support of condo resident concerns related to all aspects of condo life, including community planning, construction quality and governance.

Implementation Recommendation: Short-term

Responsibility: City of Toronto

It was evident throughout the course of the consultation that many participants were unclear as to whom they should approach for a wide variety of issues related to condo living. As such, this recommendation is to create a central condo-specific office as the one place to direct any questions or concerns about condo issues and to communicate outbound on important policy and other developments related to condos. Another benefit of this initiative would be to support better constituent and civic engagement in condo buildings and to help connect condo residents with their local City Councillor. Neighbourhood organizations are often better connected to their local Councillor, and this initiative could help to strengthen the ties between the condo community and City Hall.

Flow-through recommendation from Recommendation 24 – use this initiative to:

Recommendation 25:

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 suggestions include:

- Create a best practices document for dog-owners' associations including provision of local neighbourhood dog amenities.

- Create best practice options from other condo residents. For example, one group of condo residents have implemented a self-governed “parking share” program to balance the need for resident and visitor parking (i.e. if a resident owns a spot, but it 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.

**Implementation Recommendation: Short-term
Responsibility: City of Toronto**

One of the most compelling and beneficial outcomes of the community meetings was the creation of an opportunity for participants to help each other with their condo-living issues, sharing successes from their buildings and providing advice on how to manage internal condominium governance issues. There is a large amount of latent knowledge in the condo community, and particularly in different demographics. Given that some of the earlier condo buildings are now over 30 years old, there are established communities that have a lot of lessons learned to share with newer communities.

Participants were consistently happy to learn of the existing Official Plan policy to conserve existing green space. It seems that in the absence of understanding existing policy, there are unfounded concerns of losing park space in areas of high-density and growth. Creating materials to share the short-term vision for neighbourhood parks with local residents would be one way to bolster broader understanding of existing green spaces and amenities, including local recreational programming opportunities.

CONSTRUCTION QUALITY & BUILDING PERMITS

Recommendation 26:

Encourage Tarion to publish and communicate common construction defects being claimed under warranty.

**Implementation Recommendation: Immediate
Responsibility: City of Toronto**

Construction defects were raised frequently during the consultation process. While defects generally have warranty coverage through Tarion, the Tarion process is onerous, takes a long time, and is sometimes not well managed by less-experienced property managers and boards, leaving condo corporations (and thus, condo residents) without adequate protection. The process is also adversarial, sometimes creating hostility between the condo corporations and the builders, and in these cases, generally starting condos off on the wrong foot. There is a general public perception that the City is not carrying out adequate inspections of buildings prior to allowing occupancy and that if improved inspections processes were implemented, fewer items would need to be claimed under the Tarion warranty.

Throughout both the first and second round of consultation, there were various concerns raised about the integrity and quality of new condo construction. Participants desired additional disclosure of building defects so that condo owners would be able to review the developer and get a sense of their record regarding construction quality prior to purchasing a unit. Rather than develop an approach that relies on the end-consumer to do the research this suggestion creates a process that would allow the City to hone in on the most frequent issues and address them during site inspections with a higher degree of success.

Beyond the City of Toronto and the Province of Ontario, there is a broader range of stakeholders involved in the processes developed to ensure the quality construction of new condominium buildings. This is not commonly understood by condo residents, and is another area where

additional information and communication to condo residents would be helpful. One of these stakeholders is Tarion, a private corporation established in 1976 to protect the rights of new home buyers and regulate new home builders. Tarion administers the Ontario New Home Warranties Plan Act, which outlines the warranty protection that new home purchasers are entitled to in Ontario.

Making information about common construction defects being claimed under warranty available to the City and to the development industry will help builders with construction quality improvements and the City with their building inspection process. We suspect that City budget constraints would not permit significant additional involvement of personnel in site review to confirm that construction quality is adequate. However, there may be an opportunity to review the typical deficiencies submitted to Tarion in Condominium Performance Audits with a mind to developing a training course for City inspectors so that they might easily identify the major concerns that are routinely being claimed under the Tarion warranties. This would allow the city inspectors, in their limited time on site, to have more influence on the overall quality of construction.

Recommendation 27:

Commend Tarion for recent improvements in quality achieved by the Bulletin 19 review and support the ongoing enforcement of these requirements to maintain and continually increase construction quality.

**Implementation Recommendation: Immediate
Responsibility: City of Toronto**

Bulletin 19 lays out the requirements for reports and information that must be provided to the Ontario New Home Warranty Program (ONHWP) by Field Review Consultants and the builders/vendors of 'Designated Condominiums' enrolled under the Ontario New Home Warranties Plan Act.

Tarion has recently improved the Bulletin 19 process because they recognize that the buildings being built with a Bulletin 19 review are not showing markedly fewer warranty claims than those built prior to Bulletin 19. The improvements have included additional obligations around window-walls systems, drained cladding systems and acoustics. We recommend that the City commend Tarion for these improvements, but also encourage them to ensure that the requirements are being enforced by Tarion to help improve the quality of the buildings being constructed.

Recommendation 28:

Proscribe a minimum level of review for builders that must be completed by the design professionals. This level of review must be higher than the current standard and include new checkpoints that ensure the design-intent has been achieved.

**Implementation Recommendation: Short-term
Responsibility: Province of Ontario**

Performance auditors often hear from designers that builders are not willing to pay them to do adequate inspections that would allow the design professionals to confirm that the design-intent has been achieved. We recommend that the City proscribe a minimum level of review that must be completed by the design professional that is higher than the current standard. This would create a marginal additional cost for the builders, but would create the opportunity to prevent a lot of frustration and cost for future condominium corporations.

For example, when condominium first year performance audits are completed (per the requirements of the Condominium Act), the auditors are finding significant systems, such as wall cladding systems, have sometimes not been constructed per the design requirements (for example, the builder may provide a face-sealed system where a drained system was specified). This indicates that insufficient inspection was completed by the design professional. Tarion's improved Bulletin 19

should help rectify this, but the architects also need to retain responsibility for ensuring that their design intent was achieved.

Recommendation 29:

Encourage the building industry to build smoke-free buildings (or floors/zones within buildings) by including a smoke-free status in the Condominium documents.

**Implementation Recommendation: Short-term
Responsibility: City of Toronto**

Participants raised the issue of second-hand smoke seeping into their units many times throughout the consultation. Some were surprised to learn that there was no action they could take to require the smoker to cease their smoking. Given that the issue presents a health risk and is substantially disruptive to quality of life for some condo residents, the most thorough approach would be to create smoke-free buildings or floors. This would have to be done when the condo documents are created. There are not currently any ventilation solutions that resolve the issue, given the conditions of shared ventilation and the requirements for space between doors for air circulation.

Recommendation 30:

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.

**Implementation Recommendation: Long-term
Responsibility: City of Toronto**

Though not raised during the consultation, there is a problem with condominium builders leaving permits open. This happens because many items, such as landscaping, 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. This is where the issue has a negative impact on a condo resident's experience. Often the declarant is a numbered or one-off company and is no longer reachable. We recommend that the City put in place a process that acknowledges the condominium corporation as the building owner after registration and turn-over so that the corporation can more easily get the open permits closed. This may be a formal process or may simply require training staff to understand the ownership transition of a condominium corporation.

AMENITIES

Recommendation 31:

Develop guidelines and/or policy on how to provide and pool amenity spaces where growth is anticipated. Opportunities exist where such policy or guidelines align with Secondary or area-specific Plans, especially in cases where there are multiple developments in close proximity to each other. Include non-resident access as an element of the study.

**Implementation Recommendation: Long-term
Responsibility: City of Toronto**

Participants were generally unsupportive of this idea. Issues such as security concerns due to public access, liability, and maintenance cost concerns were frequently raised. One suggestion to address these issues included the use of fees to cover associated maintenance fees.

Development industry participants pointed out that particularly in the case of mid-rise, infill developments, residents rely on the parks, retail and community amenities just as much as their

non-condo dwelling neighbours. The tendency to treat condos as “separate” entities unto themselves creates an unnecessary division between local residents. Integrating condos into adjacent communities is also important to achieve when building larger, more “stand alone” condos.

The size of the condo building and its location is also an important factor in this conversation, as mid-rise developments, many of which are located on the City’s avenues, often have fewer amenities which can make units more affordable. Larger condo projects often provide more amenities, which can put a financial strain on condo owners who feel stuck with facilities they can’t afford. If public amenities are strained and there is an opportunity to provide them as part of a new condo development, consider the longer-term impact of maintenance and whether or not the City could provide support in these cases.

Other issues raised for consideration included:

- Include a phasing plan to ensure that residents have access to amenity space as buildings are being built; otherwise people are waiting for years to use the amenity space if construction is held up.
- Encourage condo boards to require a full Annual General Meeting consensus for any proposed arrangement of condo amenities for public use.
- Shared amenity spaces are most easily identified through a Secondary Plan process. Cost-sharing agreements can be built into Secondary Plans.
- Good precedents for this model include the Railway Lands (Harbourview Estates “SuperClub” model in Railway Lands West) and Lawrence-Allen.
- Outside of a Secondary Plan, consider developing a strategy for negotiating pooled amenities when several developments are proposed in proximity, where a Secondary Plan or policy may not already exist. Such negotiations between developers could be facilitated by the City when there are two or three development applications in one area.

There is an opportunity to better plan the inclusion of amenities in condo buildings to complement pre-existing amenities in the neighbourhood and to create a diversity of amenities and opportunities for shared use for the benefit of all Toronto residents.

Some participants said that they have amenities that go unused in their building, which is troublesome as they have to carry the burden of the cost in maintenance fees. Other participants provided examples of amenities that are shared between two buildings of the same condo development, but due to poor design, users of one amenity (for example, a swimming pool) would infringe on the space and use of another amenity (a common room). While there are design, cost, security and other issues to address while creating solutions, the potential benefit of doing so makes this endeavor worth further exploration.

Recommendation 32:

Increase the amount of bicycle parking around existing and new condo developments. Consider bicycle parking lots and consider additional bicycle parking in retail zones.

Implementation Recommendation: Medium-term

Responsibility: City of Toronto

Participants were happy to learn of an existing process through the Transportation Services Division to request post and ring bicycle parking stands in their neighbourhood. Participants said one main source for the demand for additional bicycle parking is for use as visitor bicycle parking. It is understood that increasing the amount of designated bicycle parking may be a challenge as the current standards are already high. The addition of BIXI and bicycle sharing to areas is another approach that is underway to address this issue. Given that outdoor bicycle parking does not provide

protection from the weather or theft, participants also clearly stated that a related high-priority issue is to include more bicycle parking in the condo building.

In regards to the expansion of the BIXI program, there is a related item of note raised at the May 16th 2013 Planning and Growth Management Committee (Item PG 24.12) asking Planning Staff to extend a review of parking standards in new multi-unit residential and commercial developments as it pertains and supports the expansion of both membership and infrastructure for bike sharing programs as well.

Recommendation 33:

Increase the amount of required storage space per unit based on a unit-size formula, ensuring an adequate amount of storage space for both small one-bedroom residences and larger 'family-sized' condos.

**Implementation Recommendation: Long-term
Responsibility: City of Toronto**

Many participants shared the challenges they face due to small unit designs with almost no in-unit storage capacity. This is one of the main drivers for the demand for additional storage space, as the condo unit itself provide very little. This issue was raised by single-unit dwellers, who made it clear that the lack of storage was an issue for day-to-day items, not only seasonal or large items.

Condo residents were supportive of this idea. With additional storage space, a smaller unit is much more manageable. In addition, for those who are trying to have families in two or three bedroom units, there is a severe shortage of space for things such as seasonal toys or other items for the children in the house.

Recommendation 34:

Pursue a study to develop a strategy for improved retail space in condos.

**Implementation Recommendation: Short-term
Responsibility: City of Toronto**

There was frequent dialogue throughout the consultation process about the lack of successful retail on the ground floor of condos, how condos did not attract the types of businesses that residents wanted, that the design of ground floor retail was unappealing, that vacant retail had a negative impact on the building and the neighbourhood and that some types of retail, particularly restaurants, could have negative impacts on the residential experience due to noise and odor. While some participants understood the delay in the time between retail space being built and the community developing enough for it to thrive, there is still a strong desire to understand how the entire situation could be improved, whether through better design, improved processes with potential tenants or otherwise. The development community put forward several ideas for exploration, including allowing developers to create transitional residential units that become retail uses over time and encouraging the industry to have an up-front vision regarding retail interests. One of the ideas raised to address vacant retail that garnered considerable support from consultation participants is Recommendation 35 (see next page).

Issues associated with the lack of diverse and successful retail varied significantly between the Downtown and the rest of the meetings. Specifically, participants of the North York and Scarborough meetings were concerned with the high square footage price and difficulty of finding appropriate tenants for the ground floor retail spaces in condos. In addition to these concerns, the Downtown condo residents and representatives of neighbourhood business associations emphasized the need to protect existing successful retail from condo developments.

From the development industry perspective, it can be very hard to sell retail on secondary streets, so the City should consider making retail permitted but not required or consider providing an incentive to provide retail (e.g. extra height). There can be exhaust, noise and odor issues with restaurants, and garbage problems. In some parts of the City (e.g. Queen West) there's an interest in seeing retail with smaller floor plates, however the large retailers need more square footage to achieve the profitability they're looking for. Better design of retail that is successfully integrated into the local community may make residents more supportive of its existence. It could also be helpful to encourage buildings to be designed so that the ground floor uses (or the bottom three floors) can evolve over time. There may be a role for the City to play in taking over ground floor space and programming it initially in order to catalyze the economy of the neighbourhood.

Recommendation 35:

Study the feasibility of short-term lease or use by non-profit/arts and culture groups in retail spaces while the condo developer seeks to lease space to a long-term tenant. Explore the feasibility of conditional tenancy documents that could include the need to be ready to move with short notice, and a best practices approach to furnishing the space to be flexible and responsive to the developer's business needs.

**Implementation Recommendation: Long-term
Responsibility: City of Toronto**

Resident participants were strongly supportive of this idea. There is a desire to animate vacant storefronts while providing space for local groups at reduced rents. It's important to note that the development community has important information to inform and frame how this could best be done from a contractual angle. One opportunity is to incentivize this activity to developers is through continued taxation at "vacant" rate.

VOTING STATIONS

Recommendation 36:

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.

**Implementation Recommendation: Long-term
Responsibility: City of Toronto**

Participants were fairly supportive of this idea, which was raised by the City Clerk and suggested for inclusion in the consultation process. The lack of amenity space in certain area of the City create an opportunity to formalize a process whereby elections staff could contact condo boards and use common space for voting stations. Another idea raised was to see if large condominiums could request their own polling station, which would have the dual benefit of supporting voter turnout due to increased convenience.