

FoSTRA

Federation of South Toronto Residents' Associations

Thank you, Mr./Mme. Chairman, for the opportunity to present comments on the passage of Bill 245.

My name is Rick Green, the Acting Chair of FoSTRA, and my colleague today is Don Young, Acting FoSTRA Secretary.

FoSTRA is a new federation of residents' associations in south Toronto whose boundaries contain some 400,000 residents.

As a group, we support development, but development that has good outcomes, based on community participation in a respectful and transparent manner.

Our comments today will concern sections 5,6 and 10 of Bill 245.

To put our comments in context, our member RA's have been united in their frustration and deep concern, and believe sections 5,6 & 10 are but one more step in a series of efforts to disregard due process in urban planning, such as;

- the highly questionable use of MZO's
 - the application of Bill 257 to make the Provincial Policy Statement not apply to MZO's retroactively.
 - the hollowing out of conservation authorities, making them compliant to the government.
 - negative impact on local government in Better Local Government Act.
 - extensive amendments to the TO CORE PLAN that resulted in many negative results.
 - *BILL 108'S* removal of the Local Planning Appeal Support Centre.
 - Limiting use of inclusionary zoning, as well as reducing 1) requirements, 2) matters to be considered and 3) fees to developers.

I would like, at this point, to turn the presentation over to Don Young for our specific comments on Sections 5,6 & 10 of Bill 245.

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Hello, my name is Don Young. I am the Acting Secretary of the Federation of South Toronto Residents Associations (FoSTRA) and a Committee member of the Grange Community Association in downtown Toronto.

FoSTRA has the following concerns with the proposed Bill 245

In Schedule 6, the proposed legislation will merge all five provincial land tribunals into one – the Ontario Land Tribunal (OLT).

If passed, the expertise and experience in the diverse areas of:

- Expropriation negotiation
- Cultural heritage
- Environmental Protection
- Local Planning
- Mining and Lands

will be melded into one generalist and all-powerful Tribunal.

As a result, FoSTRA fears the following:

- **Any Member will be able to hear any matter.** A mining expert may be asked to make decisions on an 80-storey tower in downtown Toronto, and an adjudicator hearing an environmental matter will no longer need to have environmental qualifications.
- **The less specialized OLT will be able to dismiss any matter without a hearing if the OLT deems the matter has no chance of success.** This could increase the length and costs of hearings, since there will be an incentive for lawyered-up developers to immediately file motions to dismiss. Residents associations will need to hire their own lawyers at minimum cost of \$10,000, just to stay on top of motions and to plead their cases. This, in addition to the costs for professional testimony, to meet a high standard of evidence.
- **Access to the OLT will in fact be reduced by limiting participants to making written submissions only.** Citizens and community groups who cannot afford the time or money to become parties to an appeal will no longer be allowed to make oral presentations or be cross examined.
- **The Bill removes the right to a judicial review if the Tribunal breaks its own rules or misuses its discretion,** unless there is proof that it “substantially” affected the outcome. This has not been defined. Potentially, one adjudicator could strike down a planning bylaw approved by City Council, even if that bylaw complies with provincial law.

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- **The OLT will be given the final word on all municipal matters concerning bylaws and finances.** Will the OLT have the right to gut master plans, as the Minister of Municipalities and Housing has already done with the TO Core Plan? Is this meant to take the heat off the government?

Schedule 10 removes the ability to appeal decisions to the Minister for seven statutes relating to the environment and natural resources. These appeals have been rare historically, but just such an appeal stopped the infamous Spadina Expressway, which would have changed the face of Toronto.

Significantly, in light of the construction of the Ontario Line in Toronto, **Schedule 5** of the proposed Law will:

- **speed up expropriations** by repealing certain statutory provisions that currently apply.
- **eliminate the right of landowners** to appeal the necessity of expropriations for transportation and highway development.
- **give the OLT the final say** on all decisions concerning expropriations.

FoSTRA is also concerned that appointments to the OLT may become political. Last year, controversy arose when a former CEO of the developer lobby group BILD was appointed to the LPAT, while the contracts of four adjudicators with environmental backgrounds were not renewed.

Generally, the assault on local control and planning since this government was elected has already created a new pro-development climate in Toronto. Councillors and City planners are cautioning communities not to push too hard, to be modest in their requests, lest developers opt to appeal immediately.

Worldwide, cities are being rethought, reimaged. We must prepare for a post-COVID, climate-changing era. Large single-purpose office towers are no longer viable. The proliferation of monster glass, steel and concrete condos, favoured by developers, is creating unaffordable, unliveable cities. New multi-purpose, ecologically sound places for people to work, live and enjoy themselves must take their place. Public spaces, convenient amenities, community centres, schools, cultural facilities and the arts are needed to stem the flight to the suburbs, or beyond, of both people and businesses. According to Abha Josh-Ghani, a senior advisor at the World Bank, “Where local control doesn’t exist, cities will fail.”

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Torontonians want a say on where we live, work and play. This is our city and our home! Why should Toronto be turned over to developers to build a city that no one will want to live in?

FoSTRA fears that if Bills 245 and 257 are passed in their present forms, local control and planning on major projects will become irrelevant and significant participation by citizens and community groups will be become impossible.

Recommendations:

We call upon the Ontario Government to amend Bill 245, as it relates to the formation of the OLT, and commission a multi-partisan panel to select OLT members based on qualifications and experience in environmental science, urban planning and land use.

We ask that departments or branches in the OLT be established that specialize in each of the five areas of concern and that knowledgeable, qualified adjudicators be assigned appropriately.

To truly accelerate access to justice for all citizens, we call on the Ontario Government to re-introduce, fund and empower reformed Local Planning Appeal Support Centres to assist citizens and community groups in having their concerns addressed.