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**Official Report
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Monday 17 May 2004

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des débats
(Hansard)**

Lundi 17 mai 2004

**Standing committee on
general government**

Greenbelt Protection Act, 2004

**Comité permanent des
affaires gouvernementales**

**Loi de 2004 sur la protection
de la ceinture de verdure**

Chair: Jean-Marc Lalonde
Clerk: Tonia Grannum

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 17 May 2004

Lundi 17 mai 2004

GREENBELT PROTECTION ACT, 2004

**LOI DE 2004 SUR LA PROTECTION
DE LA CEINTURE DE VERDURE**

Consideration of Bill 27, An Act to establish a greenbelt study area and to amend the Oak Ridges Moraine Conservation Act, 2001 / Projet de loi 27, Loi établissant une zone d'étude de la ceinture de verdure et modifiant la Loi de 2001 sur la conservation de la moraine d'Oak Ridges.

The Chair (Mr Jean-Marc Lalonde): I would call this meeting to order. Just before we proceed, I think everyone has received on their desk a copy of the discussion paper report. It's for your information. You can take time before Friday, if it's possible, to go through it.

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Chair: Just very briefly, we had asked the Ministry of Municipal Affairs to provide a map outlining very clearly the greenbelt area and we don't seem to have any evidence. We were told that we would have such a map. Do you know what has happened with that request?

The Chair: Is the map that was asked for available?

Clerk of the Committee (Ms Tonia Grannum): I do not know.

Ms Churley: Do we have any representatives from the Ministry of Municipal Affairs here who could tell us whether we have a map coming or not?

Clerk of the Committee: If you could come forward to the microphone and just introduce yourself.

Ms Churley: Just very briefly. We requested it and it would help us to have it.

Clerk of the Committee: If you could take a seat, though, and just introduce yourself for Hansard.

Ms Barbara Konyi: I'm Barbara Konyi, staff from the Ministry of Municipal Affairs and Housing. We will have a map to you within the next 10 to 15 minutes.

Ms Churley: Great. Thank you very much. That's all I needed to know.

The Chair: So the map will be made available to all of us in about 10 or 15 minutes?

Ms Konyi: Yes.

The Chair: Is that satisfactory?

Ms Churley: That's great, thank you.

Ms Konyi: Oh, and last week Mr Hudak asked a couple of questions of staff to answer, so I've come back to give you that response.

You asked about the definition of "urban settlement area." Bill 27 does propose a moratorium on urban uses as defined in the bill outside of urban settlement areas. The definition of "urban settlement areas," as currently worded in the bill, are areas "designated in an upper-tier or single-tier official plan for urban uses as an urban area, urban policy area, town, village, hamlet, rural cluster, rural settlement area, urban ... or rural service" area "on December 16, 2003." So you'd have to go back to municipal official plans for information on these designations—

Mr Tim Hudak (Erie-Lincoln): Thank you for getting back to me. I don't need the definitions reread to me.

Ms Konyi: I was going to continue on. I have a bit more for you, if that's OK.

Mr Hudak: OK.

Ms Konyi: Any of those terms that I had just listed off are common designation names used throughout the greenbelt study area for urban settlements.

The other key definition is that of "urban uses." You have to look back at that as well to assist you, because that's in the definition of "urban settlement," so you need to know what an urban use is as well. Do you want me to go on to that, what was worded in the bill?

Mr Hudak: What I was hoping for is greater clarification than what the bill says. You'll have non-agricultural commercial, non-agricultural industrial etc, but I'm trying to understand what those definitions mean exactly and the types of uses in there.

Ms Konyi: What those ones are? OK.

Non-agricultural commercial uses could include things like gas stations, restaurants or hotels. Non-agricultural industrial uses could include industrial plants, auto-wrecking yards. Multi-residential uses are townhouses, apartment buildings, residential plans of subdivision. Agricultural commercial uses could include things like farm implement sales outlets, farm produce outlets, veterinary clinics and things that relate back to the agricultural use. Examples of agricultural industrial uses include things like grain drying and storage or wine processing. Those are some examples.

Mr Hudak: Do the definitions rest somewhere? If I have a constituent or if somebody comes before this committee and wants to know where they fit in those definitions, is it up to the minister to decide? How would I know if a particular industrial use is agricultural or not?

Ms Konyi: Again, the definition takes you back to what's in the municipal official plan document, so you have to refer back to what's permitted in those municipal plans.

Mr Hudak: So it depends on the particular municipality?

Ms Konyi: Yes, it does.

Mr Hudak: I appreciate the responses. Could we get this in writing as well as the verbal address?

Ms Konyi: It will be on Hansard.

You also asked about new urban settlements. Do you want me to go on about that today as well?

Ms Churley: On a point of order, Mr Chair: With all due respect, I want this information as well, but we have people waiting.

Mr Hudak: I appreciate the promptness of the response. It may be helpful if, in addition to being in Hansard—but maybe we won't read them in now—we could get those in writing. I'm sure all the committee members would enjoy that. It might be a better process than reading it into the record formally.

The Chair: Ms Churley?

Ms Churley: No, no. That was my comment.

Ms Konyi: OK.

The Chair: Is this satisfactory, Mr Hudak?

Mr Hudak: I appreciate the promptness of the response. The written response is probably the best way in the interest of time.

The Chair: Thank you.

EARTHROOTS

The Chair: We will now proceed with the first presenter of the day, Earthroots, Josh Matlow. Good afternoon. Welcome to the general government committee on Bill 27. You have 20 minutes. The whole 20 minutes can be taken by your presentation or you can leave some time for a question period at the end.

Mr Josh Matlow: Thank you to the committee for allowing me to make a brief deputation on Bill 27. Earthroots is very supportive of this initiative. It's a long time coming that a government takes a responsible and balanced approach to what southern Ontario and south-central Ontario will look like over the coming years, and we are delighted that a government is taking this approach. However, we want to make sure this initiative is one that will protect ecologically sensitive areas and farmlands and support municipalities in a way that this is in perpetuity.

I want to give a little chronology of what we've experienced over the past 30 years of promises by provincial governments over and over again, countless studies, public consultation hearings etc. I want to go back to 1968 and the Toronto-centred region plan; the provincial parkway belt west plan, 1976; the Niagara Escarpment plan, 1985; the Ontario Environmental Assessment Advisory Committee's report; Ron Kanter's Space for All: Options for a Greater Toronto Area Green-land Strategy, 1990; the report of the Greater Toronto

Area Task Force, otherwise known as the Golden report, in 1996; the Greater Toronto Services Board, a GTA countryside strategy; the draft strategic directions in 2000; then we get to Growing Together: Prospects for Renewal in the Toronto Region by the city of Toronto, 2002; then more recently, the Ontario Smart Growth, a new vision in 2002; and then the central Ontario region Smart Growth Panel's report, Shape the Future, in 2003.

So as you can see, 30 years and beyond, provincial government after provincial government have been making promises that they're going to give a comprehensive plan to how southern and central Ontario will be planned in a balanced approach between needed development and ecological sustainability. We want to make sure this one does it right, and we've got a great opportunity to do so.

While we support this plan and the creation of a study area in this bill, Earthroots is concerned that the study area is not wide enough to truly protect southern Ontario. Areas such as Kitchener-Waterloo, Wellington, Dufferin and Simcoe are not part of this study area and we wonder why. Earthroots is concerned that by not expanding the greenbelt study area to include these regions, the unintentional consequence of this will in fact be the promotion of unbridled urban sprawl into them.

In fact, a friend of mine recently said that the best way to make a deal with developers is to see what they need, see what you can give them and make sure that in between you have policy that reflects what your constituents want and is politically expedient.

My concern is that by not adding Kitchener-Waterloo, Simcoe and other regions into the greater study area, developers will feel comfort with that, that they have a lot of room to move to create their sprawl. Meanwhile, I don't think you're going to hear a lot from them over the coming weeks going against the spirit of this greenbelt act. I do believe that if the development industry were opposed to the greenbelt plan, they would do a lot to stop it.

I'd like to cite my good friend Neil Rodgers from the Urban Development Institute of Ontario, who is here. Neil is a remarkable advocate for the development industry, and I can't say enough about this gentleman. He's done a lot of work that will support my argument. He just handed me this presentation to the standing committee on general government. I think he'll give you a copy of this, so when he does, turn to page 4: "Central Ontario population growth outpaces rest of Canada." He looks at the entirety of Canada, and when he wrote "Toronto" he said, "Toronto-Hamilton-Kitchener." It seems like the development industry views Kitchener as part of the Toronto growth area. It gives Earthroots concern that the Kitchener-Waterloo area isn't being considered by the government study area, and meanwhile the developers are, as usual, a step ahead of the provincial government and are going ahead, looking at how they're going to develop this area.

Kitchener-Waterloo is on the Grand River. This is a heritage area. In fact, the Butler's garter snake is a

species of special concern according to COSEWIC lists and can be found only in the Grand River watershed. This area has enormous ecological sensitivities, and it is so close to Toronto that this is the next mecca for sprawl.

Along with Kitchener, Barrie, Innisfil and the Simcoe area, there are new highways being planned and many of them were initiated by the previous government. The 400-series highways, including 427, will give a direct conduit toward the Simcoe-Barrie area. There are already development plans for that area. Meanwhile, there isn't proper transit infrastructure set up for either Kitchener, which I don't believe even has a GO stop, or Barrie, which I believe has VIA Rail but doesn't have a GO station.

Barrie, if it's right outside the current greenbelt study area, is going to be the mecca for sprawl. This is where all the focus is going to be because it's just up Yonge Street, just north of Toronto, and is the most appropriate place. If I were my friend Neil Rodgers, if I were a developer, this would be a terrific place to focus development. Several thousands of people commute from Barrie and Innisfil to the greater Toronto area every day. Just give me a moment; I want to get a couple of stats for you. This is from the Ontario government's Smart Growth Web site. Between 1999 and 2001, Simcoe was already supposed to grow by 56.3%. I would imagine, and I would argue, that if it's not part of the greenbelt study area this is going to explode into greater numbers and this is going to be an area that we need to be concerned about.

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Then the MTO, of course, will argue that we need a highway. Without proper transit infrastructure, we're just going to have one highway after another highway. Jane Jacobs once said that if you build the road the cars will come, and if you build another road more cars will come. We are also seeing the future construction of the mid-peninsula highway going out to Niagara, to the United States. Mr Hudak is familiar with that territory. This is of enormous concern as well.

We've got incredible agriculture out there. We've got wonderful farmlands. We've got a fruit belt. We've got vineyards. A new highway ripping through the grape lands and the fruit belt, right through the escarpment, which is supposed to be protected, goes against the spirit of what this greenbelt is about. Highway 427, which will rip through this new greenbelt, rip through the heart of the Oak Ridges moraine, which was given some protection by the previous government, again goes against the spirit of Smart Growth, the spirit of this greenbelt.

Highways may not be considered a development by some. Earthroots believes that highways are another form of development. They may not be houses, but they are multi-lanes, they pave over ecologically sensitive areas, over wetlands, over streams—anywhere they go, they rip through the heart of that ecologically sensitive area, including the moraine. These highways will again be infrastructure for further sprawl. So we would not only like to see Kitchener-Waterloo, Simcoe, Dufferin,

Wellington, the regions on the outlying exterior of the current study area, included in the study area, but also all these highways stopped. There should be a moratorium on these highways until we decide what southern Ontario is going to look like and how it's going to grow.

There have been concerns by many environmentalists in Ontario about migration corridors in southern Ontario for a variety of species of wildlife, including the garter snake that I sighted in the Grand River region.

There was an idea posed by the last government that under the new Bayview extension they created there be tunnels for frogs to go under these roads. There is no scientific basis, as far as I can understand, to believe that frogs can find tunnels to go under these roads. I also don't know of any science that makes me believe that street signs would assist these frogs in getting under these roads. And I don't know of any government initiative for a literacy program for these frogs or any other wildlife that share these habitats. So, unless there were to be a brilliant idea for a literacy program for wildlife, I don't think these tunnels and these made-up ideas on how to help wildlife migrate—the sense of that is parallel.

You know those GIS maps? You know how on the bottom layer you see the ecological, geographical area that we're working on, and then we put maps on top to look at the roads, to look at the development? I suggest that we turn it upside down and we think about where our water comes from, where our drinking water comes from, how animals migrate through southern Ontario. Then plan the development, plan the roads like that. Earthroots is not against development and we're not against growth; we understand there are going to be maybe two million people moving into the GTA over the next 20 years. It needs to be done, but it needs to be done in a responsible way. Simply protecting a limited area around the GTA doesn't do it. If you look under the definition of Smart Growth, leapfrog development isn't part of that.

Obviously, Earthroots was dismayed when the Liberal government didn't fulfill their promise to stop the construction of the 6,600 homes in Richmond Hill.

We don't want to see a promise kept if it's done hastily and if it's done without consideration of the unintentional consequences of keeping this promise. We support this greenbelt. We want it to work. We want a true greenbelt initiative to work, but we want to see the greenbelt encompass all the lands in southern Ontario that make this work.

As I read before, there have been over 30 years of studies, public consultations and thought. The work has been done. We can read through 30 years of reports. Now, let's make it work.

Your constituents are naturally those who voted for you and those who didn't who live in your area, but we have several generations of constituents who haven't been born yet who are going to have to live in this area. I hope, for your careers, that they'll be voting for you too. The best way to gain their votes is to leave a legacy for them today.

Let's stop the rogue MTO ministry from going off on their own, building highway after highway. There has been so much work put into this greenbelt. We don't want to see it torn up by new, multi-lane highways. There is a culture, a fabric, a community in these agricultural areas. They don't want to be destroyed by new sprawl in the Kitchener-Waterloo area. There's a town near Kitchener called St Jacobs. The locals there, the German Mennonites, call it Jakobstettel. St Jacob's is this incredible area of farmland as far as the eye can see. We don't want to see this become the next focus for sprawl if Kitchener-Waterloo isn't protected.

I encourage you all to take the responsible step and recommend that this bill be amended, that the current study area be expanded to not only encompass the regions that I stated and make sure that this works for southern and central Ontario, but in fact functions as a true greenbelt and not a promotion for leapfrog development. We certainly have concerns that I believe are well grounded. I know that the development community needs guidance as well on this. I know you'll do the responsible thing by giving us all—sort of like a referee at a hockey game. The developers want to sell houses like hot dog vendors sell hot dogs. But I don't believe they care specifically where it's going to go as long as the revenue comes in. We care about the specific areas that are ecologically important, so we want to make sure that this is done in a balanced, fair and comprehensive way that thinks of the future.

The last remark that I'd like to make is that, without the support of farmers and municipalities, this entire plan could implode within a very few years. You need to think of a way to support farmers' concerns where they believe that—I can just imagine a farmer on TV one night saying, "What is this, the Soviet Union? Why are they telling me that I can't sell my land to developers? We've planned a retirement on this." Well, the reason is that we need to protect ecologically sensitive lands, and that's a very fair and grounded reason. But we need to think of their interests as well, and if we don't have their support, this won't work. So we need to think of what we can do, what financial incentives, what sort of easements, what sort of trusts we can set up. Get your staff to think about this. What can we do to support the farmers so that we have them on board?

Municipalities: Bravo to the government for initiating to give a share of the gas tax, two cents, to municipalities. That's a wonderful start. But if municipalities don't get even more incentive to curb sprawl and focus on transit, municipalities are going to want to support sprawl, as many of them have for over 30 years, because sprawl means a larger tax base for revenue generation.

We need to get environmentalists, the UDI, developers, farmers and municipalities on board. Only then can it work. Let's not do this hastily. Let's think of the bigger picture, and let's get this right. This is a great window of opportunity, because we've got a terrific Premier, a terrific minister and we know they want to do this right.

The Chair: Thank you, Mr Matlow. You have taken the whole time, so there isn't any time for questions. I appreciate your presentation and we will continue with the next presenter. Thank you again.

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DAVIES HOWE PARTNERS

The Chair: Next will be Davies Howe Partners. On behalf of the general government committee, I'd like to welcome you to this public hearing on Bill 27. As I mentioned to the others, you have 20 minutes total. If you're taking the 20 minutes, then there won't be any time left for question period. You can proceed now.

Mr Jeff Davies: Thank you, Mr Chairman and members of the general government committee. My name is Jeff Davies and I am counsel to a group of landowners that are known as the Bayview East Landowners Group. I've distributed a submission via the clerk which is being passed around to you.

The Bayview East Landowners Group is made up of 12 landowners in Richmond Hill. They own approximately 250 hectares, or 617 acres, of what is known as the Bayview east or north Leslie planning area. I've provided you with a map that shows the Bayview east, or the north Leslie, planning area. The area is located west of Highway 404, north of Elgin Mills, south of 19th and east of Bayview Avenue. The total area of the planning area is 619 hectares. Of that, you can see up in the upper left-hand corner of the map that 48 hectares, or 118 acres, are within the Oak Ridges moraine.

The Oak Ridges moraine makes up 7.6% of the planning area. Almost 14 hectares, or 35 acres, of the Oak Ridges moraine lands are proposed for environmental protection by my clients. Studies have been done on the remaining 21 hectares, or 52 acres, of the Oak Ridges moraine lands, in accordance with the Oak Ridges moraine conservation plan. These lands are proposed for development. Planning Act applications on the developable lands on the Oak Ridges moraine were filed prior to the Oak Ridges moraine legislation and are subject to the transitional rules under the Oak Ridges Moraine Conservation Act.

In August 2003, with the consent of the town of Richmond Hill, the Ontario Municipal Board ruled that these lands enjoy the transitional rules of the Oak Ridges moraine act. This is reflected in the decision and order which I quote in paragraph 8.

We do not believe that section 14 of Bill 27, which changes the transitional rules, takes away that ruling, but I ask you to be careful and to ensure that section 14 is clear, and that anyone who has qualified for transitional protection under section 17 of the act continues to keep it, and that Bill 27's introduction, and section 14 of it, does not cause confusion. So if you're referring anything back to staff or to your policy people, I'd be grateful if you'd bear my paragraph 9 into account.

In paragraph 10, I say that in the planning area, 114 hectares, or 281 acres, are already within the urban

boundary of the town. That's the southerly area on the map, north of Elgin Mills. It's already within the urban boundary. We're proposing to take the northerly portion of it and include it within the urban boundary of the town and the region. This is largely supported by the town of Richmond Hill, the region of York, and the Toronto Region Conservation Authority, although they oppose urbanizing the lands north of 19th Avenue, as I understand it.

To the north of the area is the Oak Ridges moraine. I'm sure that many of you have driven up Highway 400 or Highway 404 and, as soon as you get to 19th Avenue, which is the road at the top of the map, on Highway 404 there's a sign. It says, "Oak Ridges Moraine next 10 kilometres." So there is a greenbelt that is immediately north of the Bayview east lands.

Something for you to think about, and I'm in paragraph 14 of my submission: Supply of lots for new housing is very tight. Prices for land and lots are increasing and becoming more and more scarce. On the other hand, intensification in already built-up areas is very difficult to achieve because local opposition groups almost invariably oppose applications to increase densities. This occurs both in the city and the suburbs, and if you want to discuss this in the question period, we can do that.

Bayview East has been subject to 10 OMB pre-hearing conferences and has had over 20 days at the Ontario Municipal Board prior to the hearing commencing. If Bill 27 becomes law, then section 6 would stay those proceedings.

Bayview East was the subject of an extensive pre-hearing case management process at the OMB, and stakeholders from many different perspectives were represented, including the town of Richmond Hill, the region of York, the TRCA, Save the Rouge, and developers and landowners.

Due to the size and complexity of the hearing, involving nearly 1,500 acres, it has taken a long time to get things going. The first pre-hearing was held in October 2002.

In paragraph 18, I note that imposing a moratorium, as Bill 27 proposes, runs smack into two difficult public policy issues that must be considered by your committee. First, it comes at a time when land for building lots is scarce and prices are high and rising. Second, opposition to intensification projects in the city and the suburbs is never-ending.

We live in a highly desirable metropolitan area and the federal government has the immigration tap open. People need places to live.

Bayview East represents a partial solution to these problems. It is not on the outer edges of the GTA, but is a large infill site. It proposes to protect 143 hectares, or over 300 acres of land, for environmental protection. If you look at the map I've handed out to you, you can see the three greenbelt systems, all riparian, that have been proposed by my clients on various tributaries of the Rouge River.

The parties to the OMB proceedings have filed numerous witness statements from a wide range of environ-

mental experts, and the OMB is well equipped to adjudicate the outstanding differences.

In view of the advanced stage in the process and the fact that both the town and the region and the TRCA support the inclusion of the Bayview East lands in the urban boundary, we are asking you to remove these lands from the greenbelt study area. This would allow the hearing to start and much-needed land for housing can be brought forward, while guaranteeing protection for over 300 acres of land for the environment.

The town of Richmond Hill and the conservation authority in the region are seeking more than 300 acres of land for environmental protection, and that is the subject matter of the OMB hearing. It's not as if they're opposed to this development; they're in favour of doing so.

In paragraph 25, I say that if you're not prepared to exempt Bayview East from the moratorium, recognizing that there are only roughly six and a half months to go, I ask you to recognize how extremely far advanced Bayview East is in the planning process. It's not fair to change the rules now and would not serve any purpose.

If you decide to keep Bayview East in the study area, then I ask you to make it clear that the problems and uncertainties in subsection 13(2) and section 14 of the act not be applied to Bayview East. You could accomplish this by deleting subsection 13(2) or providing that it does not apply to applications that have reached such an advanced stage in the planning process.

Again, if you'd refer this back to your policy advisers and lawyers, we'd be quite content to work with them on clarifications. I've attached, for your information, a chronology that deals with Bayview East and all of the many steps that it has gone through: over 10 OMB pre-hearing conferences; over 20 days at the OMB prior to the commencement of the hearing; my clients have spent over \$3.5 million preparing for the hearing; we have in excess of 35 or 40 expert witnesses dealing with environmental matters alone. We have taken into account all of the hydrogeological, hydrological, all the water supply, all the corridors for amphibians and other creatures, and these things can be dealt with at the OMB.

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I'd be happy to take any questions. I've tried to keep my presentation to 10 minutes to leave an opportunity to do that. I would really stress that subsection 13(2) of the bill is extremely unfair to those who have come far in the process because it leaves the door open for extremely large changes to the ground rules that affect planning applications on which many dollars and steps have been taken, and not to, through section 14, take away rights that have crystallized through the OMB.

I think you can see by looking at the Bayview East plan that a substantial amount of effort has been invested in providing environmental protection, with roughly 20% to 25% of the lands preserved for environmental purposes.

I hope this submission is of help to the committee, and I urge you to follow up on my requests. I would be pleased to discuss any matter of this with your members.

The Chair: We have approximately eight minutes left, and we have to be careful with our questioning in view of the fact that your case is in front of the OMB at the present time. So it is open for questions, but I just want to make the members aware of that.

Mr Davies: In that regard, the case has not started before the OMB. It has been through 10 pre-hearings, but the hearing itself has not started, and I'm not asking you to do anything which would affect the outcome of the hearing.

The Chair: The first question would be from Mr Hudak.

Mr Hudak: Thank you, Mr Davies, for your presentation and your specific points on subsection 13(2) and section 14. Well put.

Your presentation today was rather narrow in nature, for the clients that you're representing. I know you yourself have a larger, big-picture view of Bill 27 and Bill 26 in combination. Perhaps you could discuss the concerns you have with respect to the affordability of housing for families in Ontario and the politicization, I guess, of the approval process that may take place after those bills at a municipal level.

Mr Davies: I don't want to use up a lot of the time, but I will say that at the present time, the planning process in Ontario is meant by the Planning Act to be a transparent process that's open for all to see, and that has allowed projects to move through the planning process. Many of the changes, particularly in Bill 26 but also in Bill 27, would take away that transparency, I believe unintentionally. I believe the government moved so quickly on Bills 26 and 27 that it really didn't appreciate the extent to which it would be turning the Planning Act process in Ontario on its ear by giving so much discretion to the minister and to cabinet, and that it would truly take a transparent system and make it, at best, translucent, and probably, in many cases, dark. I hope that's helpful.

Mr Hudak: Maybe you have some specific advice on the two issues you brought up, ministerial authority and the transparency at the local level, on those pieces of legislation?

Mr Davies: We're all in favour of autonomy at the local level. I think the ruling party is as well. Unfortunately, when you read Bills 26 and 27 together, they strip a great deal of autonomy from local municipalities, perhaps not to the degree that the municipalities realize. Certainly we'd be quite prepared to work with the committee and its advisers in attempting to reinsert some transparency into the system. I mean that quite genuinely.

The Chair: We'll go on to Ms Churley.

Ms Churley: Thank you very much for your presentation. You said a couple of things that I want to follow up on in my brief time here. I believe you said that Richmond Hill municipal council supports this development going ahead.

Mr Davies: That's correct.

Ms Churley: In what capacity? They voted in council and—

Mr Davies: Yes, that's correct. There have been many reports presented to the town of Richmond Hill council regarding the inclusion of this area in the urban boundary. The town of Richmond Hill is on the record as supporting the inclusion of this area in the urban boundary, with the exception of the lands north of 19th Avenue.

Ms Churley: North?

Mr Davies: That's correct. The town of Richmond Hill supports everything that's colourized on the map which has land uses, although we have differences with respect to some of the designations and the extent of the environmental protection.

Ms Churley: What would some of these differences be?

Mr Davies: Briefly speaking, the town of Richmond Hill wants to see the land west of Highway 404, and east of the middle Rouge tributary as industrial, and we believe that it's more appropriate for residential.

The second area of differences has to do with the width of the corridors. In essence, the town of Richmond Hill is looking to add about 20 metres to each of the corridors, and perhaps add a number of other features.

Ms Churley: So their position is somewhat different from yours.

Mr Davies: Yes.

Ms Churley: The other thing I wanted to ask you quickly is—

Mr Davies: By the way, I wasn't saying their position was the same. Their position is the same in the sense that they agree it should be part of the urban boundary. After that, we do have some differences.

Ms Churley: That's what I wanted to clarify, because that was my impression.

Your contention—and I've heard this before—the argument that we need to create what is, in my view, urban sprawl because people will oppose intensification and housing prices, especially at the lower end, will keep going up, where do you get that information?

Mr Davies: That's not my contention, that we have to create more urban sprawl. My—

Ms Churley: Well, we call it different things.

Mr Davies: Let's put nomenclature aside for the moment. I'm of the view that we need to grow through intensification and that intensification alone will not support all the growth we need to accept in the future. With good planning, we will have some more urban expansions. Urban expansions will occur to some degree, together with good intensification. You can't do it all through intensification.

Ms Churley: Right—

The Chair: Thank you.

Mrs Maria Van Bommel (Lambton-Kent-Middlesex): Thank you very much for your presentation. I noted two or three different times in your presentation that you mentioned the rising prices of building lots and such. I assume your contention is that this is because there are pressures from within the population and the growing populations of these communities. But would you not

also agree that this is generally the case right across the province?

Mr Davies: Of course.

Mrs Van Bommel: And that things such as low interest rates and that are also adding to the pressure that would cause building lots and existing houses to go up in price?

Mr Davies: Yes. I think it's compounded in the GTA by the extreme limitation on available lots to be purchased. I agree with you totally that our growth—which has been our good fortune in many respects, I think we'd all agree—has been fuelled by low interest rates, high immigration, those types of things. That phenomenon has been felt beyond the GTA, but the take-up in the GTA has been so great, and has happened so much faster than anyone ever expected, that there's very little left to go through. In the last year, it has pushed prices through the roof. That's a serious problem that we're going to have to contend with, and I suspect it's going to get worse before it gets better.

The Chair: Very good. Our time is up. Thank you for your presentation and taking the time.

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URBAN DEVELOPMENT INSTITUTE OF ONTARIO

The Chair: The next presenter will be the Urban Development Institute of Ontario, Mr Neil Rodgers. On behalf of the general government committee, I'd like to welcome you to our public hearing for Bill 27. You have 20 minutes, some of which you may leave for questions. You may proceed now.

Mr Neil Rodgers: We'll do our best to wrap it up and have questions from the floor.

Members of the committee, my name is Neil Rodgers. I am the president of the Urban Development Institute of Ontario. Joining me, and also sharing my time, is Mark Tutton, the chair of UDI Ontario and vice-president of Tribute Communities.

The land development and construction industries play a vital role in the economy of the province, yet its contributions are rarely acknowledged. Development and its related construction activity accounts for over 10% of the total provincial GDP—some \$50 billion—and directly employs over 350,000 workers. Ontario's construction industry in 2003 expanded at a rate of 8.9% per year—nearly twice the annual growth rate for the Ontario economy as a whole. In addition, recent growth in direct construction activity has contributed nearly one in every five dollars of growth in Ontario's economy. This activity and growth in turn contribute to Ontario's ability to deliver quality health care, education, infrastructure and critical social services to all Ontarians.

Economic growth and development are inextricably linked to policy and legislation. When the system operates in balance, the industry is able to respond to the dynamic needs of Ontario's industrial, commercial and residential consumers while contributing to the protection

of the natural environment and dedication of lands for public open space.

UDI recognizes the government's intentions concerning the long-term protection of southern Ontario's significant natural features, water resources and agriculture. UDI urges that for any provincial strategy to be complete, it must also accommodate population and employment growth in conjunction with the necessary infrastructure investments. It is the position of UDI that the greenbelt, as envisioned in the bill and referenced in the discussion paper, does not consider and address a balanced approach in accommodating the continuity of the economic performance of central Ontario.

This is not to say that UDI and its members do not support environmental protection. Last year, as part of the central Ontario Smart Growth panel deliberations, we clearly stated that Ontario must return to "big picture" planning, as was done in the late 1960s and early 1970s. Specifically, we called upon a 30- to 50-year infrastructure strategy to meet the demands associated with growth and a 30-year environmental vision. In many respects, this idea was premised on the notion of ensuring certainty through the planning process and ensuring that Ontario's key environmentally sensitive areas will be protected in perpetuity.

It must be brought to the attention of the committee that central Ontario does not have a scarcity of protected open spaces, countryside and environmentally significant areas. In fact, the central Ontario region has an abundance of lands in public ownership or control.

On page 4 of our submission we note that within the study area there are some 939,000 acres of lands held under the ownership or control of conservation authorities, the provincial government through the Oak Ridges moraine or Niagara Escarpment Plan, the Rouge Park and Bronte Creek Provincial Park—almost one million acres.

UDI believes that the bill employs a holding device on development applications and approvals on an unprecedented scale. While the moratorium on urban uses outside of urban settlement areas is limited to one year, the scale of restriction and its severity suggests a suspension of democratic rights requiring a significantly longer period to realize proper implementation. Ontario's experience with land use planning reviews of all scales suggests that the resources required in identifying and establishing genuine long-term land use reserves work best in a consensual process, which requires a strong financial commitment by the government. We urge the province to respect the rights of landowners. As part of this process, the province should consider introducing instruments such as tax incentives that offer to all parties a means to secure private lands identified for public purposes.

UDI has had discussions with such organizations as the Nature Conservancy of Canada and Ontario Nature with the notion of using innovative tax policy levers in order to establish a trust for the acquisition of identifiable and significant environmental features within the greenbelt. Furthermore, UDI shares the views of the Nature Conservancy of Canada and Ontario Nature that if all

Ontarians benefit from the protection of lands as part of a greenbelt, all should pay. In other words, if Ontarians want preservation of rural landscapes, they should be prepared to pay for it. The cost of preservation is not something that can or should be burdened by any one group in society.

Ontario's challenges of managing growth cannot be underestimated. The Golden Horseshoe area, in particular, is a magnet for growth and in fact has outpaced the rest of Canada by a margin of 3 to 1.

Much of this growth is fuelled by immigration, estimated as high as 60% in the Toronto CMA. It's widely supported by noted economists and municipal officials that the GTA and Hamilton regions will grow by an additional 2.5 million people over the next 25 to 30 years and add about 1.3 million jobs. The role of governments should be to balance the anticipated growth with the myriad of public policy issues, including maintaining an efficient land use pattern, ensuring appropriate and modern infrastructure capacity is in place, and protecting significant environmental areas while providing sound economic development opportunities for Ontarians.

The land development industry is responsible for creating livable environments and, notwithstanding popular opinion, is not contributing to sprawl. The term, by its definition, is contrary to the stringent provincial and municipal regime of planning standards and regulations. The level of growth experienced in the GTA is in direct proportion to the economic performance of the region and population growth. In fact, the discussion paper acknowledges that growth and development have been quite well managed in the province, with Ontario achieving higher urban population densities and housing concentrations when compared to comparable major US cities and other world cities such as London and Paris. In fact, if you go through the discussion paper, I don't believe the words "urban sprawl" are even mentioned.

Sufficient housing and employment opportunities have an enormous impact on an individual's quality of life and the economic health of our communities. These factors, in and of themselves, are not mutually exclusive. Inadequate housing or employment lands constrain economic growth. The context in which the housing market operates within the economy must be a concern for all Ontarians, and particularly legislators. We intend to focus the balance of our remarks on these issues.

UDI believes that the Greenbelt Task Force did not, during its deliberations, and as evidenced in the discussion paper, consider the housing and employment needs of Ontarians. The discussion paper focuses on the resource side of a complex equation, but neglects the human and socio-economic elements. This, in our submission, is a fundamental flaw of the review, as one cannot design a greenbelt without understanding and balancing all aspects of land use—social, environmental and economic.

New thinking concerning the creation of successful and sustainable urban areas and affecting regional economic development must take a holistic vision. Richard

Florida points to the value and importance of creative talent pools and cultural diversity within the labour force—the creative class, as he calls it—to the growth and development of business clusters. Clearly, an urban area which offers a balance of housing, employment, transportation, social and recreational opportunities will be the most successful in attracting a wide demographic variety which will enhance long-term prosperity for the region. This balance, in our respectful submission, is lacking in the bill and the task force discussion paper.

Mr Mark Tutton: Thank you, Neil. Bill 27, without a correlating land needs and infrastructure study, has created and will create significant uncertainty in the marketplace within central Ontario. This bill will specifically impact the supply of housing and employment lands, leading to a rise in land prices and an escalation in the cost of new and resale housing, and jeopardizing Ontario's economic prosperity and competitiveness relative to other Great Lakes states.

The historical pattern of development in the central Ontario region has been responsible, responsive to fluctuating market conditions and a model system when compared to American cities of similar context.

The regime in Ontario governing land use is by far one of the most regulated and comprehensive public processes on the North American continent. UDI urges the government to take a comprehensive "big picture" policy approach to land use, environmental and strategic infrastructure policy in the creation of a greenbelt as part of a larger growth management exercise.

Greenbelts are not effective growth management or countryside preservation strategies, since they have proven to create unintended consequences. Greenbelts are widely used in such places as Portland, Oregon, and London, England. While they may achieve their primary policy objective, in the wake of their outcome, a number of other matters arise.

Portland is a case study that demonstrates the relationship between affordability and land supply. In 1979, Portland's regional government imposed an urban growth boundary: some 236,000 acres, or 368 square miles. It has been amended some 40 times since being imposed, with the most recent amendment occurring in December 2002, which added over 18,000 acres. The enabling legislation mandates a periodic review of the growth boundary every five to seven years. State law directs Portland's regional government to maintain a 20-year land supply for housing and employment purposes within the boundary.

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According to the Urban Land Institute (Market Profiles), the price of vacant land within the Portland, Oregon metro area has experienced dramatic increases. The chart gives examples of some of those increases in the 1995-99 period.

Extensive literature reviews have also concluded that the imposition of a regulatory urban growth boundary would most likely place upward pressure on land and real estate prices. The actual magnitude of these price spikes

will depend on the degree of the regulatory instrument chosen, the tightness of the urban boundary, and the dynamics of the marketplace, including population and employment growth, immigration and the economic cycles experienced from time to time.

What should be the concern of the committee and the government are the unintended consequences of the imposition of a greenbelt that are clearly not in the public interest, be they increased housing and servicing costs, leapfrog development and even homelessness. Such adverse impacts will undermine future investment and Ontario's economic prosperity. Constraints on land supply that force land prices to rise as a result of policy rather than physical or environmental constraints and natural economic market forces should be avoided.

In the late 1980's, the combination of a surge in new housing demand and an inadequate supply of serviced or readily serviceable land in the GTA led to a significant rise in housing prices, both new and resale, as a result of low inventories. In an effort to bring equilibrium to the market place, in 1989 the David Peterson Liberal government introduced the Land Use Planning for Housing policy statement that contained policies requiring official plans to ensure a 10-year housing supply, as well as a range of housing types. This approach was adopted by the NDP in their comprehensive Provincial Policy Statement, PPS, in 1994. When the PPS was amended in 1997 during the Conservative administration, it was recognized that a longer-term view of land supply—20 years—was warranted to respond to the dynamics of the economy.

The lesson learned during the last decade is that the adequacy of designated land is a key public policy and economic issue that cannot be ignored. It has caused governments of all stripes to respond in order to ensure a balanced marketplace in terms of affordability and the provision of a range of housing types. As a result of higher than planned population growth over the last seven years, the inventories of designated land in the GTA municipalities are particularly low and nearing exhaustion. The combined effect of low inventories, servicing constraints and the imposition of a greenbelt, particularly within close proximity to existing urban boundaries, will have a deleterious effect on land costs, and in turn will affect housing affordability. Evidence shows that since the announcement of Bill 27 and coupled with strong demand for new housing, residential serviced lot prices in the GTA have soared. The next couple of charts illustrate that statement.

There's also strong correlation between job growth and population growth. Quite simply, where the jobs are, people will follow. Slower employment growth in the early 1990s led to slower population growth. The fact that Ontario is on strong economic footing has made it the destination of choice for people from within Canada and immigrants to call home. For this, governments should not apologize, nor attempt to discourage via policy solutions that in the long-term will have dire consequences. Accommodating healthy job growth in the future is the key to economic, demographic and regional

prosperity. A number of private sector consulting firms who closely study employment trends and land availability conclude that employment lands are in short supply, particularly in York, Halton and Peel regions.

Housing affordability in the central Ontario region will erode the attractiveness of the region to enterprises setting up and/or expanding their operations. Socio-economic conditions for employees, as well as key elements in promoting healthy and sustainable economic development will not be well served by restricting housing and employment lands. The availability of adequate housing supply and, more particularly, housing affordability, has already been identified as a key economic development issue in the GTA. The commissioner of planning and development services in the York region recently stated the following: "York region faces a number of challenges that impact its ability to maintain economic competitiveness, including the availability of diverse and affordable housing choices that will directly affect the retention of workers."

UDI is supportive of the Greenbelt Task Force approach to new transportation and infrastructure in that it recognizes the future needs of the province, while having regard to the nature and significance of the proposed greenbelt with an appropriate balance between roads and transit. Furthermore, we have long supported a review of the environmental assessment process to consider new and innovative technologies.

There has been a high correlation between new home price increases and resale prices in the GTA since the early 1980s. This was particularly evident during the late 1980s, with a time of low land inventories and limited supply of new housing. Rising housing prices discourage prospective first-time buyers from entering the market. Not only does this prevent household formations and housing starts, it has measurable economic consequences on the provincial treasury, as housing starts are a signal of a strong and buoyant economy.

Recent data from the Toronto Real Estate Board indicate the following: first, a 10% increase in housing prices, other things being equal, such as interest rates, reduces the number of renters likely to purchase by nearly 20%; and second, a 20% increase in housing prices reduces the number of renters likely to purchase by nearly 33%.

According to CMHC's survey of Consumer Intentions to Buy or Renovate a Home, 2002, almost 50% of potential homebuyers at that time who had not purchased had already been priced out of the market, citing the costs of homes as too high, and this in an era of historically low mortgage rates.

This survey also brings to light many other key observations of people residing in the GTA, in particular, ground-related housing, being single, semi-detached or row housing, is the overwhelming choice of 87% of potential buyers, and affordable housing, under \$200,000, is sought by the vast majority, particularly those with moderate incomes below \$60,000 per annum.

Rising land costs for new housing will make affordability for young families and working class Ontarians a

dream that will remain beyond their means. Only existing homebuyers will benefit through increased home equity. That, in our respectful submission, is not good public policy and does not create strong communities or a strong local economy.

UDI urges the government to take a comprehensive big-picture land use, environmental and strategic infrastructure policy approach. UDI strongly recommends that before the greenbelt is imposed and this bill proceeds to third reading, the province undertake a comprehensive supply and demand analysis for housing and employment lands. Such an analysis will, in more scientific terms, properly define the region's needs for designated urban lands. The analysis, once complete, can assist the government in the design of the greenbelt to balance the needs of Ontarians for housing choices that are affordable, employment lands that ensure a strong economy, and a greenbelt strategy that will be a legacy for future generations.

UDI recognizes the government's intention to establish a greenbelt. As mentioned earlier, that policy objective, when done in a balanced framework appreciating the dynamics of population, employment growth and market forces, can be a positive measure for our communities and will enhance the sustainability of the central Ontario region.

Defining a greenbelt, from UDI's perspective, must be an exercise that is done with caution, not just to achieve political purposes. Evidence from other jurisdictions has proven that unintended consequences have distorted the primary social benefit. The central Ontario region will continue to grow because Ontario is the place of choice for many people to raise a family or start a business.

We submit that if it is the desire of the government to have a permanent greenbelt, then the provincial government, as part of the greenbelt exercise and the pending growth management strategy, must establish long-term future urban areas. We are not suggesting that these lands be approved for urban purposes today, but rather that they be identified and assigned an appropriate designation in regional and local official plans, as would the delineation of the proposed greenbelt.

To accommodate the projected 2.5 million persons and 1.8 million jobs over the next 30 years, UDI submits that a 50-year urban boundary be defined in conjunction with the creation of the greenbelt. In this way, long-term certainty is established for landowners, investors and the public, with the integrity of the greenbelt maintained in perpetuity.

The Chair: Thank you for your presentation. We have taken all the time that we had available, so it's too bad but we don't have time for any questions.

ONTARIO FEDERATION OF AGRICULTURE

The Chair: The next presenter will be the Ontario Federation of Agriculture. On behalf of the general government committee on Bill 27, I'd like to welcome

you to this hearing. You have 20 minutes, which could be divided between a question period and your presentation, or you could take the whole 20 minutes, if you want. It's up to you.

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Mr Ron Bonnett: Thank you for the opportunity to present. The Greenbelt Protection Act does impose a one-year freeze on the conversion of rural and agriculturally zoned lands to residential, commercial and industrial land use designations. During this one-year freeze, the government intends to establish a permanent greenbelt in the Golden Horseshoe region, the urban arc extending from Oshawa in the east through Toronto and Hamilton to Niagara.

The legislation also establishes a study area for the implementation of a permanent greenbelt. The study area is described in the legislation as including the regions of Durham, Halton, Peel and York, the city of Hamilton and portions of the Niagara region. In addition, the study area also encompasses the Niagara Escarpment planning area north of Peel, as well as the Oak Ridges moraine lands in Northumberland and Simcoe counties.

The intention of the government is to use the creation of a greenbelt around the Golden Horseshoe to contain urban sprawl, the spreading of urban development—residential, commercial or industrial—onto adjacent rural or agriculturally zoned lands. One reason cited as the need to somehow control urban sprawl is the fact that the Golden Horseshoe area is growing by 115,000 people every year. As these people move into the area, they require housing. Along with that added housing goes associated new commercial, tourism and industrial developments.

This proposal is beginning to have significant impacts on farmland within the greenbelt study area. In fact, farmers and farming are now experiencing and will continue to experience the largest impact of this government proposal. We have already heard of farmers who are unable to access operational funding from their lenders due to the fuzziness of the proposal. These farmers are being told by their lenders that their land is worth less, and is projected to be worth less, and therefore cannot be supported by lending for operational purposes at levels they attained before the freeze.

It is reasonable to say that farmers are perplexed with the greenbelt proposal and its long-term impacts. The greenbelt proposal, as it stands, gives no indication of how it will protect agricultural land other than utilizing a land use freeze.

We know the government has said that they chiefly want to contain urban sprawl. However, the current legislation, which we are discussing today, is already pushing development beyond the proposed greenbelt area. Development will leapfrog over the proposed greenbelt. Recent press reports note a proposal, if approved, to convert 6,000 acres of land in south Simcoe county into a city of 115,000 over the next 30 years.

The government makes reference to longer commuting times to work. We have to wonder how long commuting

times will be when increased numbers of GTA workers first have to travel over a greenbelt from a settlement area outside of the greenbelt. The perimeter of the GTA greenbelt fence has already been exceeded by subdivisions. The south end of the city of Guelph is one example. The current greenbelt proposal will push development into Wellington county instead of Halton. Will we really gain anything from this?

The government and the greenbelt task force want to investigate increasing urban density through planning. This is a principled policy, but economically unrealistic in light of population forecasts. There is a need to investigate the determinants of consumer demand for housing, then design, build and market housing that consumers will want on the minimal amount of land.

The Ontario Federation of Agriculture has concluded that the establishment of a permanent greenbelt in the Golden Horseshoe region will have a long-term implication for both farmers whose lands are within the greenbelt area as well as those farmers whose lands are adjacent to the greenbelt.

I would like to outline our issues and concerns. First, with respect to the greenbelt task force and the report, we are very pleased that a farmer representative was appointed to the task force. Considering the breadth of the government proposal and the fact that farmers and agriculture are the single largest landowners affected by this proposal, we believe further investigation is required to address the array of economic viability issues brought forward by this proposal.

We welcome the greenbelt task force's recognition that, "land-use planning alone is insufficient to ensure that agricultural lands within the greenbelt will be farmed." We also agree with the task force's recommendation that a provincial task force on agricultural viability be created immediately to develop agricultural policies that will ensure a viable agricultural industry across the greenbelt and the rest of Ontario.

The OFA must question, though, the membership of the proposed broad-based agricultural task force. Ensuring a viable agricultural sector across the greenbelt and the rest of Ontario means representation on this agricultural task force must reflect every single commodity grown in Ontario. Since economic viability goes to the heart of the agricultural industry in Ontario, farmers must constitute the largest part of the task force membership.

We suggest that this agricultural task force be kept in place to review and monitor implementation of legislation or regulations arising from their recommendations.

We question the timing of both the release of the greenbelt discussion paper and consultation dates, as well as the date recommended for the agricultural task force to submit their interim report on the impact of agriculture. It is springtime in Ontario. Farmers are out in their fields seeding their crops for this year's supply of food. The government is proposing that that sector, which is most affected by greenbelt proposal, will have to take precious time away from their fields in order to present their concerns.

The recommended agricultural task force is required to submit their interim report in October 2004. The government wants rules developed on the proposed greenbelt study area in place by December 16, 2004. If the rules are in place before the task force develops a final report, the entire process is highly suspect.

Economic viability: The greenbelt proposal has the ability to destroy the economic viability of farmers in the greenbelt area. Economic viability is the number one concern of the farm community. Farmers are still reeling from the effects of BSE and the US border closing, the high Canadian dollar and other trade pressures. High crude oil prices also adversely affect farmers, as it creates higher diesel, fertilizer, bale wrap and transportation costs. Stats Canada recently released numbers that showed for the first time in history of their records farm incomes across Canada were recorded as negative.

The OFA believes that changes to land use is only one part of the overall equation of economic viability. The greenbelt proposal is silent on plans to encourage farmers within the greenbelt to continue farming. As mentioned, farmers have already lost equity through the zoning freeze. The loss of equity takes away the incentive to further invest in the farm operation. The government must examine mechanisms for compensation for the loss of farmer viability and equity.

Farmers across Ontario also face opposition from some individuals and groups over normal farming practices. The greenbelt proposal demonstrates there will be a need to enhance and strengthen the Farming and Food Production Protection Act to ensure normal farming practices are not threatened by the proposals. This speaks again to the need to preserve the economic viability of farming operations within the prescribed areas.

Farming is not compatible with recreational uses, and there has been very little public action to discourage public access to privately owned farmland. Farmers are already experiencing damage to crops in their green spaces due to the perception that these lands are public, and the government greenbelt proposal may increase that perception. Trespassers drive ATVs, snowmobiles and hike over farmland, interfering with farm practices and jeopardizing safety.

Environmental protection: The relationship between agricultural land and natural heritage, water resources, land forms or wildlife habitat, it is unclear in the greenbelt proposal. The proposal does not reflect current agricultural practices that already encourage and enhance heritage, habitat and water. Increasing the area of lands designated for wildlife habitat needs to be well planned, as it could have an impact on adjacent farms. Farmers are facing wildlife predation on both crops and livestock. The proposal is silent on the farmers' rights to protect their property, incomes and livelihoods when faced with this predation.

There are already significant numbers of people living outside the greenbelt study area who are working within it. If development leapfrogs over the study area, this will create more strain on existing roads and, paradoxically,

cause the need for a significant increase in transportation corridors. The population pressure and distances will increase fuel consumption, adversely contributing to environmental degradations. Although the final boundaries have yet to be determined, farmers are concerned the government will respond to development leap-frogging by making the greenbelt wider, which could further erode agricultural activity.

These are only some of the items the OFA has identified as issues around the greenbelt proposal. The greenbelt task force reported late last week, and we're performing an analysis on that document and will certainly respond at the public consultations and the invitation-only round table discussions.

As mentioned, the Ontario Federation of Agriculture will be providing further analysis on the greenbelt task force discussion paper. As there are still so many unknowns in the current legislation and in the greenbelt proposal, the Ontario Federation of Agriculture recommends that all members of the Legislature consider these immediate concerns in their deliberation:

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The OFA believes that long-term protection for all farmers, regardless of where they farm, must be considered.

We have already experienced confusion by municipal councils in the interpretation of the rules around the Oak Ridges moraine. For example, some municipalities are telling some farmers they cannot erect outbuildings on their property in one part of the moraine, yet others are able to build. A clear, concise, stated policy on governance is required before the implementation of any greenbelt legislation.

With that, I'd be pleased to take any questions.

The Chair: Thank you. We have approximately eight minutes left. I'll go to Ms Churley.

Ms Churley: Thank you for your presentation. I wanted to get some clarification on your position, because it seems to me from your brief that you generally support greenbelt legislation, but you're expressing concerns about the timing and the consultation process with you. Am I right about that?

Mr Bonnett: In general, the concept of protecting agricultural land is a high priority for us, but you have to put it in context. When you get into urban development, if there's a type of urban development that takes place that hacks and cuts up farmland so that all of a sudden you have very unviable parcels, then the issue becomes not whether farming's going to continue; the issue becomes what type of farming could afford to continue farming in that area, just because the cost of production actually gets out of place.

Ms Churley: I understand. One of the issues that came up in St Catharines, and you didn't mention it specifically, was severances and the concern around that. I assume you're also thinking about that. Given the situation we have right now and the fact that quite frequently developers have more money than perhaps somebody who wants to expand their farm or build a

house on that severed land or whatever, developers are buying up some of that severed land and sitting on it. Isn't that also a concern right now and one of the things that we're trying to resolve?

Mr Bonnett: The whole issue of whether developers are buying up land actually goes to the heart of our discussion document. You have to address the viability issue. If farmers are actually making money on that property by farming it—

Ms Churley: Exactly.

Mr Bonnett: —they're not going to be susceptible to bids to turn that into houses, because they know that's a one-time shot. That is why we say there has to be a considerable amount of discussion going into addressing, what are the issues affecting farm viability in the GTA? Once you have solved some of those viability issues, then there won't be that extreme pressure to convert that to development land.

Ms Churley: That can deal with that severance issue.

Mr Bonnett: Yes.

The Chair: Thank you. Mr Rinaldi.

Mr Lou Rinaldi (Northumberland): Thank you very much, Ron, for your presentation. I guess my question follows somewhat Ms Churley's question. Not too long ago, we threw our municipal hat into the riding of Northumberland with some of your good friends, and for the past 12 years—and I just need some clarification on this—we were lobbied. We had a farming advisory committee to help council determine best practices in rural Ontario and we were constantly lobbied to protect farmland. God forgive, we'd give a severance and we'd have a number of farmers in my community on our backs.

I guess I find it a little bit of a controversy, or it doesn't quite jibe, because just a few months ago I was lobbied to protect our land because it's viable. You know, they don't make any more land. We need to protect good agricultural land. And yet here you show some concerns about—and the argument we're using, I must say, is that we cannot go to our banker because the few severances that you've given take away from the viability of the farm and puts restrictions on it. Yet today, we seem to be talking a different language. I guess I need some clarification.

Mr Bonnett: Well, this whole issue and getting into the severance policy—one of the things that we, as an organization, have wrestled with is what type of severance policy would be allowed. Quite often, you have to realize it is very difficult to have a severance policy that is uniform for the whole province. The severance policy in northern Ontario is not going to be the same as it is in Northumberland or in the GTA. Maybe you have to look at different tools that would encourage different severance policies to work.

One of the things that quite often comes up in discussion is, normally on agricultural lands there are provisions in a number of municipalities where you can sever off one lot for a retirement dwelling. Some municipalities have actually banned that practice right

now and others are taking a look at it. We're saying, maybe we should take a look at some other tools. If you have an urban development area that's springing up in an area, maybe you could do a trading mechanism with the farmer who wants that retirement dwelling off that existing policy so that they do get a retirement dwelling, but it's on land that's part of an urban development area.

Those are the types of things that we want to look at: looking at the policy and finding out what types of tools are going to get the objective. If you go down to the core issue of the viability of farms, you have to have this concept that farms are only viable when they're kept somewhat in blocks. I think that's where you have to do it from a long-term planning perspective: identify where those blocks are and put the tools and policies in place to try and maintain those blocks. If you don't have that, then you don't have the viability; if you don't have the viability, then farmers are forced into situations where they're looking for other ways to raise income off that property.

Mrs Van Bommel: Thank you very much for your presentation. It's good to see you both. You mention in here the Farming and Food Production Protection Act and the issue of normal farm practices. In St Catharines we heard a lot about the severing of surplus buildings. From my own personal experience I know that in doing those types of severances there are often occasions for a conflict between the new owner of that house and the farmer who is still practising his farming around that house. How would you foresee the Farming and Food Production Protection Act working in order to allow that kind of surplus severance, or do you see that it might actually create further problems?

Mr Bonnett: I'm not sure that I would use the Farming and Food Production Protection Act with respect to the severance policy. The reference we were making there was more with respect to farmers wanting to expand their operations, build new buildings, using normally accepted practices, whether it's using fertilizers or herbicides or whatever, and to make sure there weren't policies put in place that restricted them from doing things that every other farmer in the province would do.

With respect to the severing of the surplus dwellings, I think that is where you get into the discussion of, do you develop some kind of a mechanism where you decide that that land has too many houses on it already in order to be viable, and therefore it should be allowed to separate those surplus dwellings, or if there still is that block nature of land there, maybe you should have some kind of a trading option that that lot could go back to the original. But the farmer who owns that land shouldn't lose that equity position because of that. Maybe that could be traded off.

I think sometimes you have to take a look at, if the public policy is that these blocks are going to be protected, then there has to be an understanding that the general public has to pay for those types of programs that are going to do that. In the case of that surplus dwelling, maybe there has to be a cash settlement and that house

then becomes part of that agricultural property; but just to take that equity away from that person, all of a sudden you're back into that viability discussion again.

Mr Hudak: Thank you very much for the presentation. I think that one lesson I'm afraid is being missed about what we heard in Niagara is that the agricultural community and commodity groups and municipal representatives that came forward basically said, "It's working very well, thank you very much," in terms of making local decisions on severances and where they're appropriate.

The big fear I have in the approach of this government under Bill 27 and Bill 26 is how much power is being sucked up in the Minister of Municipal Affairs's office to make those types of decisions about what proper uses are in rural Niagara, for example.

Maybe you could give us some opinion on what level of discussion should be at the provincial level of control and how much should be at a local level in terms of issues of severances and of land use zoning.

The second part: Can you give me some specifics on policy changes that will help the viability of our farms, so that if you save the farmer, you can save the farmland? Particularly you might want to talk about the Beaubien report and other such ideas.

Mr Bonnett: You gave me a pretty wide-open question there.

I think, first of all, with respect to the decision-making process, there is that responsibility at the local level. Like I was saying before, the same policy doesn't necessarily apply in the north and the east and the GTA. However, I think there are some general policy guidelines that can be put in place that have to be addressed by local municipalities and local groups when they're addressing it.

1710

We had the same discussion in our same organization. We were suggesting that before any land be severed off existing farm policies, there should be a stamp of approval by a local agricultural advisory committee, which a number of municipalities already have in place. So I think having that mechanism to get a local judgment from an agricultural perspective would be good, if it was mandated that all municipalities had an agricultural advisory committee to give advice on that.

With respect to the viability issues, there are a number of things with respect to taxation, taking a look at tax levels. One of the issues that is becoming a real problem for a number of farmers in the GTA is the fact that the assessment values have risen so high that all of a sudden they've got a tax burden that's quite a bit higher than farmers in other parts of the province. We've actually made some suggestions on taking a look at some new mechanism for figuring out how to assess farmland property.

I think using tools like that, from a policy perspective, would address the viability issue. But then, going back to your question about local decision-making, you have to have that local flavour in it as well.

The Chair: Very good. Our time has expired. Thank you for taking the time to make the presentation.

GREATER TORONTO
HOME BUILDERS' ASSOCIATION

The Chair: The next group is the Greater Toronto Home Builders' Association, Mr John Alati and Mark Parsons. On behalf of the committee, welcome to the public hearings on Bill 27. You have 20 minutes, and you could leave some of that time for a question period at the end.

Mr John Alati: Thank you, Mr Chairman and members of the committee. Mr Parsons is actually going to begin. I'll turn it over to him now.

Mr Mark Parsons: Thank you very much. With me here today, of course, is Jim Murphy. Jim Murphy is our government relations person at the Greater Toronto Home Builders' Association. I am their current president. During my day job, I am vice-president of construction for Monarch Homes, which builds about 1,000 houses in and around the GTA, through to Kitchener and Ottawa.

Restrictive land use policies are driving up the cost of land exponentially in the GTA. As all of you will know, land is the single largest component going into the construction of a new house these days. It runs about 35% of the cost of that house. When this figure increases dramatically, so does the end cost of the home to the consumer. Restrictive land policies are increasing house prices in the GTA especially. Homebuyers are being forced out of the market by the high cost of land. Don't get me wrong. I know that the new home market here in Toronto is good. This year, we will sell about 47,000 new houses, but we have 125,000 people a year migrating to the GTA area.

What is supporting this strong sector right now? Certainly not government policy. It's low interest rates, the lowest interest rates in 50 years. Remove those and affordability goes out the window. The average mortgage in Toronto is about \$200,000. At 5.4%, it carries for about \$1,200 a month. If the rate jumps just 200 basis points, that mortgage goes up to \$1,450, meaning that to try and afford that mortgage, a person making \$54,000 would have to earn an additional \$9,000 a year, or a 17% increase in order to afford that house.

We have three papers here before you today, which we've handed out. One is entitled Turning Dirt into Gold, which I will look at. We have another publication here, Powerhouse, which indicates to all of you how important the construction and renovation industry is to the province and to the country. We have a paper here which we will talk to you about called Growing Strong Communities or Growing More Uncertainty?

If you look at page 3 of the Turning Dirt into Gold paper, you will see that the increase in new home prices has been dramatic. The end price of a new home is between a 9% and 18% increase. Already, housing is becoming unaffordable for the average GTA buyer. If you look at the most affordable product type, which is the

22-foot townhouse lot, it has increased by almost 50% in two years. This report, believe it or not, is a couple of weeks old and already prices have changed. I have heard of prices north of Toronto of \$7,000 a running foot for a 22-foot townhouse lot, which equates to \$154,000 just for the lot alone. That house will sell for well over \$300,000.

The GTA, believe it or not, though, is one of the most densely populated regions in North America, behind New York and Los Angeles. The average lot size in the GTA is 38 feet—that's not a big lot—and the smallest lots are the ones increasing the fastest. So obviously affordability at the lower end is being affected dramatically.

How do we intend to promote intensification by increasing the prices of our smallest product through restrictive land use planning? Not everybody wants to live in a condo, I have to add. Approximately 30% of the GTA market already is comprised of high-rise condominiums. Although sales remain healthy in the condo market, many economists are predicting an oversupply. There are about 18,000 units somewhere in the market that are coming into supply in the next year and a half. Who will want to invest in that market if that oversupply is not already taken up?

Our industry is doing extremely well, as I said before, but we are under siege from all levels and many different forces: increasing city development charges—many cities are trying to increase them, especially in Toronto, by as much as 150%; educational development charges; talk of hospital levies; higher labour prices—they're going up about 6% a year; and of course material costs. More recently, with oil being more expensive, we're already seeing increases in shingles, carpet and plastics, all the things that are derived from petroleum-based products. Material costs are going up by about 5.9% a year. So you can see the GTA is becoming an increasingly expensive place to try and afford a new home.

To top it all off, what does the federal government do? They kick you in the teeth with the GST. You get no rebate at \$362,000, so you're paying the full 7% GST on every single new house. Every single new house you buy is comprised, believe it or not, of about 25% in taxation. I was driving by the gas station the other day and I see that gas is probably fighting the same sort of battle we are. They gave me this sheet which explained what portion of that product is taxation. Our industry isn't far off that mark. Taxes there are 43%; we're down around just below 25%, and housing is an essential thing to have.

Our industry doesn't have any argument, though, with saving environmentally sensitive lands. We just want to save lands that are determined to be environmentally sensitive through science or good environmental planning.

In a way, we are victims of our own success here in the GTA. We are amongst the best cities in the world to live and, as a result, we're not able to stop growth. We need to plan for future growth. As Mark said, the GTA is going to grow by another 2.4 million people by 2031, and we need to plan for that growth because it's going to happen whether we like it or not. Restricting growth in

areas not deemed environmentally sensitive isn't good planning. It will simply encourage the development industry and people themselves to make choices outside the greenbelt: Barrie, Kitchener to the west, wherever it becomes more affordable. They'll go where they have to go to find a place to live as close as they can to work.

We need the government to write a strong provincial policy statement allowing intensification along all of the major corridors in Toronto, so our industry is not constantly on the defensive from people in the local area who oppose higher densities.

We also have to have people living in the 905, because changing people's tastes is extremely difficult. You will not get the entire market willing to live downtown in a condominium. People want a piece of grass.

If you don't believe those arguments, the economic arguments are even stronger, I believe. Our industry creates a quarter of a million jobs in Canada every year, \$10.4 billion in wages, \$5.4 billion in taxation and \$17.9 billion of the national GDP—that's 10%. Our industry has to keep rolling in order to keep the economy moving.

Thank you for your time. Please help us keep building.

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Mr Alati: I'm going to speak to some of the GTHBA's direct concerns with the legislation that is before you. Comments on Bill 27 begin on page 3 in the submission, the green-coloured paper that is in your package.

Bill 27 and the minister's zoning order, regulation 432, which accompanied it, freeze for up to one year lands in the study area to determine which lands should be in a greenbelt. Lands outside urban areas are prohibited from applying for approvals. The greenbelt task force discussion paper is out for discussion as of last week.

Bill 26 and Bill 27 grant new powers to the minister. The minister can defer OMB hearings, stay proceedings before the OMB and pass regulations to exempt lands from these prohibitions. This is a huge and, in my view, overwhelming centralization of power at Queen's Park.

While there is talk of municipal empowerment, the actual text of the legislation suggests otherwise. Several municipalities, like Pickering and Brampton, had full growth management studies underway and in process that may have led to urban expansions to meet some of the needs that Mark just referred to. They have been stopped, and the questions that beg being asked are: Don't these municipal officials know what is best for their own communities? Shouldn't they at least be entitled to complete the growth management studies that they began so they can deal with these pressing questions and issues of growth? Does the province support local decision-making or not? Similarly, private applications that may have led to urban expansion have also been stopped.

Worse yet, the minister, with new regulations, will be able to determine which lands may proceed and which will not. This isn't fair. It's not good policy and it's not transparent. It can lend itself to an ad hoc approach that is

not transparent, and even more disturbing is that these measures can be retroactive.

The legislation even goes further and seeks to bar all claims for compensation arising out of the legislation's application. In short, this is tantamount to expropriation. We believe this is unfair and simply wrong.

The legislation requires amendments and changes. While we have outlined a number of the changes we believe are necessary in Bill 27 in the paper before you, I'm going to emphasize just a few.

The first would be that all references to retroactivity in the legislation be removed. Let those applications that were caught by this legislation proceed under the rules and laws that were in place at the time the applications were made and the hearings, if there were any, commenced.

Actually empower municipalities by amending the legislation to allow local municipalities to grow and plan as they wish in accordance with the provincial policy statement, not as Queen's Park wishes.

Thirdly, establish clear criteria for which applications are appealable to cabinet. A time frame for decisions by cabinet should be added, as well as a listing of the reasons for cabinet's decisions, so that people can clearly understand why cabinet decided what it did.

The planning process has to be transparent in order for it to be effective. It should not be conducted behind closed doors and there should not be an opportunity for the perception that decisions of this nature can be conducted behind closed doors.

Thank you for the opportunity. Mark and I would be pleased to answer any questions the committee may have.

The Chair: Now it's up to the government. Any questions on this side?

Mr Wayne Arthurs (Pickering-Ajax-Uxbridge): Just a question with regard to the capacity over the next 10 or so years. Some of the discussion tends to be around the fact that prices are being driven, there are no lots available, and whether it was the Oak Ridges moraine legislation or this proposed legislation that is driving this agenda. In your submission, there is a reference on the back of the last page that the current supply is a some 14-year supply in the GTA. Is that a 14-year supply within the existing urban boundaries? Is that what that is intended to say?

Mr Jim Murphy: I might answer that, Mr Arthurs. We did a report at GTHBA last year, that Hemson did for us, that said at that time there was only a 16-year supply. It was two years ago that the report was done, so we're down to a 14-year supply GTA-wide.

Mr Arthurs: I have a great degree of respect for Hemson's work. I don't whether Ray Simpson is still doing work for them.

Mr Murphy: That's who did the report.

Mr Arthurs: I recall in the early 1990s they were projecting populations and people were boo-hooing it because things were going slowly, but it's all coming to pass.

Within the existing context, though, recognizing that it takes—I'll use a 10-year time frame; you're using a 15-year, but nonetheless—to take it from raw land to the build time frame, there is still substantive capacity within the system of currently approved land within the urban envelope; maybe not fully zoned, but within the urban envelope. Is that, in effect, what that's saying?

Mr Murphy: It varies by municipality, obviously.

Mr Arthurs: Of course.

Mr Murphy: The example that was used in that report was Milton, which took about 16 or 17 years to come from the first study that was done for Halton region to the first purchaser assuming occupancy. If you take that as a figure to go from raw land to actual occupancy, we're over that time period, which is one of the reasons the alarm bells are starting to ring. But there are some municipalities like Burlington and Richmond Hill that have probably only a two- or three-year supply of lots.

The Chair: I'll go to Mr Hudak now because we have to split the time.

Mr Hudak: Thank you very much, gentlemen, for the presentation. I think this notion of substantial capacity is just answered by the price effect. If there's lots of capacity, you wouldn't see these significant spikes, right, in vacant lot or housing prices that we see today. If they're going up 30% to 40%, you're looking at the prices doubling in three years' time, if that's consistent.

Let me ask you this. Maybe I'm the heretic here. I kind of like driving. I kind of like having a lawn and a garden. Most of the government members speak to the notion that we're all going to live in apartment buildings in Toronto. You can intensify the area, and I guess there won't be many NIMBY issues about high-rises going up in somebody's backyard in the Lawrence Park area. Who's realistic and who's being Pollyanna?

Mr Mark Parsons: I think the answer to that question is that consumers need choice. I outlined the current choice they are making in the GTA market when they're buying new housing, which is about 30% condo and 70% low-rise. So changing that perception or that want is going to be extremely difficult. The only thing that will do it in the end—you can't legislate that. They won't change simply because of legislation. Prices will change that. Unfortunately, the consequence of changing people's perception is making housing unaffordable or forcing everybody downtown, which isn't, I don't think, going to work.

Mr Hudak: If you also look at some of the changes in the sister bill, Bill 26, with respect to municipalities being forced to "be consistent with" as opposed to "having regard to," what do you think the result is going to be of intensification projects in downtown areas like Toronto, where you have a sophisticated, motivated and well-financed group of local taxpayers? Are they willingly and with great embrace going to accept intensification efforts in Toronto?

Mr Alati: That would be contrary to the history I'm familiar with working at the OMB. I can tell you that we've been involved personally in intensification pro-

jects on top of the subway line, and there has been continuous and consistent opposition to that, whether well financed or not.

I think it takes time to change perceptions. I'm certainly not opposed to intensification along major corridors and avenues like high-transit lines, but certainly neighbours will quickly jump to the fore and suggest that it's a change in something they're used to and something they don't want to see.

I don't think anyone's being Pollyanna in recognizing that it's something that has to come in order to accommodate the large population increase that's expected here in central Ontario and in the GTA, but I don't think it can be done in isolation of requiring growth of urban municipalities and proper expansions. It does reflect the need, as well, for nodes in corridors, but expansion nevertheless.

Mr Hudak: Any suggestions on a governance model for when the greenbelt becomes permanent?

The Chair: Thank you, Mr Hudak. The time is up. I'll go to Ms Churley.

Ms Churley: Thank you very much for your presentation. I want to ask you a question because I've been really alarmed by a speaker that the Greater Toronto Home Builders' Association had at an event on May 5, Randal O'Toole. I don't know if you were there or not—

Mr Mark Parsons: I was.

Ms Churley: —but he spoke of the need for the complete deregulation of the land market to "remove all obstacles for landowners."

He also said, "Imagine that almost every city, county, town and village in the United States has at least one communist on its staff—not an infiltrator, but someone whose job title is communist, whose job description is to implement communism in that community. Difficult to believe? The most important part of Soviet communism is central planning. Now go back to the previous paragraph and replace the word 'communist' with 'planner' and 'communism' with 'planning.' Then the paragraph turns out to be the truth."

I'm quoting him. That's pretty alarming stuff. I guess my question would be, just what are you supporting here? Do you support that?

Mr Mark Parsons: No, of course we don't support that. The reason for bringing Mr O'Toole here was to bring a different view to planning. The reason the GTHBA brought him here was to give a different perspective on planning. It was to try and stimulate discussion, and obviously it has done that, because you've noted—

Ms Churley: Indeed, it has.

Mr Mark Parsons: However, he does have numerous interesting ways of trying to deal with sprawl. As I said before, his theory is that you cannot change consumers' choice. You cannot change their perceptions of what they want. They will buy based on how much they can afford and where they can live, and they'll live as close to work as they possibly can.

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Ms Churley: But you do accept that there is an urban sprawl problem and all the issues around it that have been mentioned here and will continue to be mentioned? What is your answer to that?

Mr Mark Parsons: Part of Mr O'Toole's presentation was that—and I don't know how strongly this came forth—the government has to invest more in our road systems. It's not so much controlling development; it's increasing transportation systems, public transportation, different types of public transportation. He was a proponent of private transportation systems; not huge buses, not streetcars, but smaller, more nimble buses to get people from nodes to the larger transportation systems, improve our highways and traffic to move people faster. One of his thoughts was more toll roads.

Ms Churley: What about the pollution from all that transportation?

The Chair: Thank you. Our time is up. Sorry about that.

Mr Mark Parsons: If you move faster, the car burns less fuel.

Ms Churley: We could go on with this discussion.

The Chair: Once again, thank you for taking the time to make the presentation to the committee.

ONTARIO PROFESSIONAL PLANNERS INSTITUTE

The Chair: The next group is the Ontario Professional Planners Institute. Donald May, you're accompanied by—

Mr Donald May: To my right is Melanie Hare, who's a member of our policy development committee, and to my left is Loretta Ryan, who is our staff manager of policy communication. Our recommendations are contained in our letter to the minister dated March 10, 2004.

Thank you, Mr Chair and members of the committee. My name is Don May. I'm the president of the Ontario Professional Planners Institute. I'd like to thank the committee for the opportunity to speak today.

The Ontario Professional Planners Institute, also known as OPPI, is the recognized voice of the province's planning profession. OPPI provides leadership and vision on policy matters related to planning, development and other important socio-economic issues. Over the years, OPPI has contributed to the reform of planning in Ontario. We have demonstrated a strong commitment to working with all governments.

As the Ontario affiliate of the Canadian Institute of Planners, OPPI brings together all of Ontario's professional planners and represents more than 2,600 practising planners across the province. In addition, there are approximately 400 student members. The breadth of our members' knowledge and the diversity of their experience provides OPPI with a unique perspective from which to contribute to planning reform.

OPPI members work for government, private industry, a wide variety of agencies, not-for-profits and academic

institutions. Our planners engage in a wide range of practice areas, including urban and rural community planning, design and environmental assessment. OPPI is a professional association funded entirely by membership fees and program and activity revenue.

Through our public policy program, we conduct research on planning and general quality of life issues. We distribute this information to our members, government, the media and the public. Our purpose is to provide objective and balanced submissions based on the collective experience and wisdom of our members.

Included in the package that we have prepared for the committee is our submission to the government on Bill 26 and Bill 27, and two documents that we think will be of interest to you: Exploring Growth Management Roles in Ontario: Learning from "Who Does What" Elsewhere, the author being Melanie Hare, and our position paper on the Oak Ridges moraine. It's interesting to note that with respect to the Oak Ridges moraine, the government of Ontario has proceeded with actions that reflect our recommendations.

We are pleased that the government is committed to improving the land use planning system in Ontario. If the proposed legislation does not give communities a complete range of usable tools, it will simply complicate the planning process rather than make it more responsive to local needs.

At this point in time, we would like to provide comments on three specific areas as they pertain to Bill 27: (1) the importance of the provincial policy statement; (2) the need for definitions; and (3) effective growth management.

In terms of the first matter, the importance of the provincial policy statement, the provincial policy statement sets out overall policy direction on matters of provincial interest. The review of the PPS has been underway since 2001. The importance of this planning document to Bill 27 cannot be overstated. While the PPS may not garner as much attention as some of the other major initiatives the government has unveiled, it is the tool that makes everything else work. The review should be finalized and action taken to implement the revisions as soon as possible.

One area of implementation that must be addressed is how to ensure that planning decisions are consistent with the PPS. Although the wording "be consistent with" is intended to result in decisions more closely reflecting the intent of the PPS, there needs to be clear guidance on how competing interests might be balanced. It must be made clear that there is room for practice planning decisions. You do not want literal interpretations or minor inconsistencies in phraseology to cause good planning to be delayed or frustrated.

One of the essential elements of planning is balancing social, economic and environmental interests. Planning involves an objective, independent, comprehensive analysis of all resources and the application of all pertinent policies. Without clear direction on the province's priorities for environmental protection and com-

munity growth and on what to do when conflict occurs, the new wording provides continued challenges. Exactly what are municipalities expected to “be consistent with”?

Finally, the PPS review provides an excellent opportunity to develop a coordinated framework through which the government sets an overall direction for growth in the province. In particular, the framework should include guidance on regional-scale planning issues, such as transportation and infrastructure development, which need to be established on a province-wide basis. Within such a framework for growth, the PPS can allow for flexibility so that individual communities—rural areas, small cities, northern Ontario, the GTA—can make decisions that respond to local needs. This flexibility must also address the ability for some municipalities to go beyond the minimum standards in the PPS and still “be consistent with” provincial policy.

The second point is effective growth management. Our policy work on growth management, *Exploring Growth Management Roles in Ontario: Learning from “Who Does What” Elsewhere*, dated September 2001, suggests that greenbelts are not an effective growth management strategy in isolation. We support the concept of greenbelts. We’re saying that it’s part of a comprehensive process. Greenbelts are part of a package of tools that can address growth management. There should be provision for appropriate land uses within greenbelts. Furthermore, municipalities, landowners and the development industry may need an economic incentive to protect land and to respect regional planning strategies. We’re pleased to note that the recent discussion paper from the Greenbelt Task Force is recommending a separate task force on agriculture to ensure agricultural viability.

The areas affected by Bill 27 are under immediate development pressure. However, other areas face similar pressures for boundary changes. The province needs to take a big-picture approach and create a vision that applies to the whole province, not just a specific region. The province should give all areas that face development pressure the benefit of time to study key areas and identify ways to protect specific lands and contain urban sprawl. Including the principles of growth management in the current planning reforms provides an opportunity to strengthen the environmental policy framework and review the effectiveness of current environmental protection policy within the context of economic development and infrastructure planning.

To this end, we encourage the province to explore tools complementary to greenbelt protection zones and other effective growth management strategies. OPPI will be participating in stakeholder consultations with Mayor MacIsaac and the Greenbelt Task Force in order to further explore these tools and other aspects of the Bill 27 legislation.

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The third point is definitions. The definition sections require further refinement to achieve what the province intends. For example, in Bill 27 as currently worded,

much activity in the rural area can be seen as non-agricultural. Certain legitimate activities in the rural area must, of necessity, locate in rural areas. An example would be mineral aggregates extraction. Legitimate rural uses should not be affected by the government’s initiative to limit urban sprawl. It would be more appropriate, in the context of Bill 27, to state what is not intended for rural areas; specifically, no urban uses.

As I mentioned earlier, we are particularly concerned that a working definition of “be consistent with” be clearly established, so that municipalities understand what is intended by the phrase and how it is to be applied, recognizing that the application will vary from circumstance to circumstance. To clarify intent, the province should ensure that identical definitions are included in all planning reform legislation.

In summary, OPPI is dedicated to the promotion of good planning and would welcome the opportunity to work with the Ministry of Municipal Affairs, the Ministry of Public Infrastructure Renewal and its Smart Growth secretariat, and other ministries to help explain publicly the critical importance of managing growth, given the significant amount of land already approved for development in growing Ontario municipalities.

Ontario’s registered professional planners have a great deal to contribute to both the policies and mechanics of better planning, with an unparalleled knowledge of how to make the government’s policy directions actually work effectively across the province. We encourage you to use OPPI’s resources in planning for growth management, economic development, environmental policy and effective public engagement as part of the plan to bring change to land use planning in Ontario.

As the proposed legislation evolves and our members have more opportunity to comment on specific aspects of the legislation, we may provide additional comments. In addition, over the coming weeks, we will be participating in a number of stakeholder consultation sessions and providing input on key ministry initiatives. We would be pleased to answer any questions.

The Chair: We have approximately eight minutes left.

Mr Hudak: I think you make an excellent point in saying that greenbelts on their own are not an effective growth management strategy. I do worry about the way this bill was born: more of a political process, I think, to try to make up for some lost ground with green stakeholders after the Premier’s flip-flop on the Oak Ridges moraine commitments. As a result, the cart is very well ahead of the horse. In fact, I think it’s about to lap the horse.

We’re seeing pressures go elsewhere, as you heard from the previous deputations. We’re seeing farmers lose equity in their farmland and their inability to get loans to develop their properties and their businesses.

One thing you suggested, and hopefully we can still do this: You recommend tools complementary to greenbelt protection zones. You didn’t have much chance to go

into detail, although your further report does, from experience elsewhere.

Mr May: I think Ms Hare could speak to that.

Mr Hudak: Great. Summarize to the committee some of those complementary tools.

Ms Melanie Hare: Sure. There are quite a few of them. The study actually looked at six different municipalities in North America. I won't take you through the long list; it's in the report. I think it's fair to characterize them, relevant to greenbelts particularly, in four different ways.

One is that it's very important that a regional approach is taken, which I think is the direction the government is going. In policy frameworks and administratively, as we come forward with greenbelt legislation and the task force recommendations, it is important that there is a regional understanding and direction for that. So there's the whole importance on the regional level.

In addition to the contemporary versions of urban growth boundaries, of which there are a number of examples, always balance what happens within the boundary with what's outside the boundary. So when we hear the home builders speak about pressures elsewhere, one of the dangers of an urban growth boundary, or greenbelt, approach is that you will just be encouraging leapfrogging, and then you haven't in essence addressed the issues. You've just pushed it further out.

There are some very valid and interesting tools for ensuring that there's protection of the greenbelt area through conservation, easements and all sorts of land assembly tools, but also understanding what your intention is for the other side of the greenbelt. The examples we have in Canada—Ottawa, Vancouver, and to a certain extent the Niagara area—will help us understand the fact that you need to have a plan for the other side of the line as well as what's within the line.

Greenbelt planning, in our experience and evidence, suggests it's very important to understand what the objective is. It is not, in itself, an effective means of controlling sprawl—there are other growth management strategies that are good for that—but it is important to understand the objective. If it's preserving natural systems and natural heritage, that's very valid; if it's open spaces and networks, that's valid; if it's agriculture and other uses, that's valid. It's important that there be not only a set of strategies within the boundaries but also strategies outside the boundaries so there's a balance there.

There's the approach of targeted investment—

The Chair: Our time us up. I'll go to Ms Churley.

Ms Churley: I have a different question. You talked about “be consistent with” provincial policy statements as opposed to “have regard for.” As you will recall, the NDP government brought in what we called a green planning act, after John Sewell and others went out and consulted across the province, and we brought in that wording. The previous government took it out, and it looks like it's coming back. You raise a very good point

about being as clear as possible what we mean by that. I just wanted to say that I agree with you on that.

I wanted to ask you—unless you have a comment on that, but I understood what you were saying. Coming back to leapfrogging, it's a problem that's been identified and will continue to be identified within this. I agree with the position that you need to bring some of those areas into the greenbelt plan in order to avoid that. I guess the question is, how do you see this kind of planning? I think the leapfrogging issue is a huge one, and it's clearly going to happen with the greenbelt as it's now proposed.

Ms Hare: It's important to understand what happens within the greenbelt and beyond it, and that there's a plan for both of those. There are ways of creating incentives for the kinds of development that are permitted within the greenbelt and beyond, whether they be financial, policy-based, carrot financial incentives—easements and other means—land trusts and other forms. It's important that we balance the consideration within and the objective, and then understand that there will likely be an impact outside the greenbelt and plan for that area as well.

The Chair: Mr Parsons.

Mr Ernie Parsons (Prince Edward-Hastings): While pursuing my engineering degree, I took one course in planning, which means I know just enough to be really dangerous.

The problem, as I see it, is rapid growth and trying to manage it. As a planner, is there a time when you say, “This city is big enough”? I represent a riding, the wonderful Belleville-Picton area, where the population is declining. Is there a time when, as a planner, you say, “No, that's all this city can deal with,” whether it be water or traffic, “Let's encourage development in Belleville”?

Mr May: I think where there are natural features that are so significant, such as the Oak Ridges moraine, which we supported as a significant feature, and the Niagara Escarpment. When you look at those features, they come into play as being very important. So a community such as Burlington, where I come from, is running out of opportunity because the escarpment is right there and rimming, and we have the lake on the other side. It becomes an issue of lack of opportunity, so the city has to do other things. Over toward Whitby, there may be more expansion before they get to the Oak Ridges moraine, where it is possible to do something in that area.

What I'm answering to your question is that nature has a certain effect as well, and we have to factor that in, as we respect—

Mr Ernie Parsons (Prince Edward-Hastings): But should politicians get involved in that?

Mr May: Absolutely. You have to provide the direction. Ultimately, in planning we make the recommendations; you make the decisions. That's where the decisions are made.

We, as planners, provide objective review, we provide options, competing interests—we'll give you something—but the Planning Act gives politicians the ultimate

decision in the way we make planning decisions. You have that responsibility.

The Chair: Thank you very much. Everything has been recorded, and the questions and also your presentation will be in Hansard.

1750

AIRD AND BERLIS LLP

The Chair: The next group is Aird and Berlis. Ms Patricia Foran, welcome to the standing committee on general government public hearings on Bill 27.

Ms Patricia Foran: My name is Patricia Foran. I'm with the law firm of Aird and Berlis. I represent E. Manson Investments with respect to lands it owns in the town of Richmond Hill. I'm joined by a representative of my client, Ms Mai Somermaa.

By way of background, I provided to the committee a brief document submission. Our clients have owned approximately 98 acres of land in the town of Richmond Hill, at the northwest corner of Leslie Street and 19th Avenue, since the mid-1980's. Since 1997, they have had development applications active with the town of Richmond Hill, with the goal of permitting urban land uses on their lands.

I have included at tab A a colour map generally indicating the location of the land, as well as some statistics with respect to the land holding, its area and the amount of the land that is proposed to be set aside for a natural heritage or environmental system, as part of our client's development applications.

Our client's applications were commenced as part of Richmond Hill's own urban boundary expansion exercise, which considered not only our client's lands but other lands as a logical extension to the town's urban boundary in the late 1990's. Our client's applications were subsequently appealed to the Ontario Municipal Board. Along with lands to the south of 19th Avenue, known as the Bayview East Landowners Group—and you heard from their representative, Mr Davies, this afternoon—we are part of a hearing known as the North Leslie OMB hearing, which has been in progress, through the pre-hearings process, since 2002. Our client's development applications have therefore been in progress for a considerable period of time. They have already been subject to a freeze once before by the previous government, to deal with the Oak Ridges moraine in 2000.

We have a threefold purpose in addressing the committee this afternoon: (1) to request that you amend Bill 27 to delete the E. Manson landholdings from the greenbelt study area; (2) that you amend section 14 of the bill, which proposes to amend the transition provisions under the Oak Ridges Moraine Conservation Act as it is presently drafted today; and (3) that you consider revoking the minister's zoning order, passed pursuant to regulation 431/03, pertaining to a portion of our client's lands that lie on the Oak Ridges moraine.

In contrast to the landowners to the south, as part of the OMB process, our client has actually reached a

substantial agreement with the environmental experts, retained by both the town of Richmond Hill and the region of York, as well as the Toronto Region Conservation Authority, on the environmental features of interest on our client's lands, their function in an overall natural heritage system and the necessary buffers to protect and enhance those features. Those environmental features would be secured through the approval of our client's development applications.

I have included at tab B what is probably a very helpful visual aerial photograph of our client's lands. The black line depicts the Oak Ridges moraine limit, which traverses our client's property. Everything to the north of that land is on the Oak Ridges moraine technical line. To the south of that are lands that are in fact off the moraine. The middle area, where you see a wooded portion outlined both in red and yellow, represents the natural heritage system that has been agreed upon by both my client's experts and the various agencies' experts as the necessary natural heritage system, including the environmental features that are in issue as part of our development applications. We propose to set that aside as part of our client's development application. There is no substantial disagreement between our client on that portion.

It's also interesting to note, with respect to the aerial photograph, that the environmental features are in fact located largely off the Oak Ridges moraine. There aren't any substantial features identified on the moraine itself. Given that this is the southern limit of the moraine in this part of the province, it's not surprising that an arbitrary line was chosen. It was not meant to reflect any particular features.

The balance of our client's lands, which are off the moraine, are what the town, the region of York and the Toronto Region Conservation Authority all agree are lands that are appropriate to include within the urban boundary of Richmond Hill.

I wish to correct on the record a statement Mr Davies made earlier this afternoon when he indicated that it was his understanding that there was a disagreement between my client and the agencies with respect to the lands north of 19th Avenue and the inclusion of those lands in the urban boundary. In fact, the town and the agencies have filed expert witness statements with the Ontario Municipal Board which indicate that those lands lying south of the moraine limit are in fact agreed upon as necessary and appropriate to be brought within the town's urban boundary.

In our submission, given the substantial protections already in place under the ORM legislation, combined with the desire by the town that a substantial portion of our client's lands be brought within the urban boundary, leads us to believe that there are no further environmental protections that could be achieved on our client's lands by inclusion within the greenbelt study area under Bill 27.

Bill 27 is of substantial concern to our client because, if enacted as presently proposed, it would impose a moratorium on the OMB hearing on at least a portion of our

client's lands that lie south of the Oak Ridges moraine line.

Recognizing the length of time that our client has been pursuing its applications—since 1997—and the abundance of study and work that has been done as part of the OMB process to examine the environmental features on our client's property, it is, in our submission, unfair to halt the hearing of these applications as proposed through sections 4, 5 and 6 of Bill 27.

In our submission, the hearing is not the beginning of a process where you would seek to change the rules but in fact it's the end of a very lengthy process. I adopt the submissions made to you earlier by Mr Alati on behalf of the GTHBA that it is unfair to change the rules while landowners are in progress—and substantially in progress—as my client has been.

With respect to the transition provisions, section 14 of Bill 27 has proposed an amendment to the existing transition provisions under the Oak Ridges moraine legislation. We would seek to have some clarity brought to that section to make it very clear that those changes do not apply to those landowners like my client who have already obtained recognition of transitional status for their lands and their applications under the existing legislation, as it read before December 16, 2003. I have appended for the committee and any policy persons a proposed draft amendment at tab C of the submission book I provided to you. It's both clean and black-lined to indicate where the changes requested are outlined.

By way of a brief background to that request, our client, along with the town of Richmond Hill, and with full notice to all parties to our client's hearings, brought a motion before the OMB last year seeking clarity with respect to the status of our client's applications under the Oak Ridges moraine legislation. Copies of the board's decisions with respect to that are found at tab D of our document book. I don't propose to take you through that. Suffice to say, the board recognized the length of time that our client's applications had been in progress and also recognized that the ORM legislation, as it presently sits, recognizes pre-existing development applications made prior to that act coming into force and effect.

The committee should appreciate, however, that even with the benefit of obtaining transitional status under the ORM legislation, it's not a true grandfathering for my client's applications under that act. Even though they are transitioned, they do not automatically permit our client to develop on the moraine. Our client is still required to meet the very substantive and stringent requirements under the prescribed provisions of that act. In many respects, it is not a true transition or a grandfathering. It still imposes some of the Oak Ridges moraine requirements on our client, and those are the environmental requirements.

We have inquired of the government staff with respect to their intention in proposing the change in section 14 of Bill 27 as to whether it was intended to retroactively alter our client's accrued rights that have been recognized by the board. We've never been advised that that is in fact

the intent. We have communicated to the minister our concern that the wording should be clarified. As I indicated earlier, we've provided some suggested clarity and some wording at tab C that we would ask this committee to consider as part of its consideration of Bill 27.

Finally, I wish to address the committee with respect to a companion zoning order that was enacted by the government in conjunction with Bill 27. It was under regulation 431/03. It is a zoning order that pertains to my client's Oak Ridges moraine lands, along with the moraine lands immediately to the south. That's in distinction to any other moraine lands in Ontario that are similarly designated.

I think it would be helpful for the committee, going back to the aerial photograph at tab B, to recognize again that the minister's zoning order does not seek to achieve to enhance protection for environmental features. Those features are off the moraine and my client's property. We don't understand the intent behind that zoning order which would freeze development on our client's lands for an indefinite period of time.

We've sought clarity from ministry staff and from the minister with respect to the intent. We haven't had any clarity provided with respect to that. Suffice to say, that zoning order is draconian in the extreme. It is discriminatory, in our submission. It affects only a very small portion of the landholdings on the moraine, in distinction to other lands on the moraine that share exactly the same designation. There are no particular environmental features that have been identified by the government in having enacted that zoning order.

In our submission, it is unfair to have that zoning order remain. So we would ask the committee and the government as part of its review of Bill 27 to recognize the discriminatory effect of this zoning order and to revoke the zoning order as my client has requested.

We wish to thank the committee for its time and attention this afternoon. We'd be pleased to deal with any questions you may have relating to my client's particular development applications as they sit in the town of Richmond Hill.

1800

The Chair: Thank you. We have approximately eight minutes left. Ms Churley is not here. We can go on to the government side. Who would like to have the question?

Mr Hudak: Thank you very much for your presentation and for supplying suggested amendments to section 14 of the bill.

I want to follow up to make sure I understood and the committee understood the section of your presentation with respect to the zoning order. Is this in reference to the minister's general zoning order that he made at the time of the announcement of the legislation or is this a separate zoning order? I had trouble following it.

Ms Foran: There were two zoning orders enacted at the same time by the minister, one of which deals with the greenbelt study area. As the committee is likely aware, that zoning order does not deal with moraine

lands and city of Toronto lands, for example, all of which are within that greenbelt study area.

A second zoning order was enacted by the minister. It has been recognized by even its supporters as targeting my client's lands and a portion of Mr Davies's client's lands to the south of 19th Avenue in the town of Richmond Hill. It deals only with those lands on the moraine, in distinction to any other piece of property on the moraine in the province of Ontario. It has frozen development on those lands for an indefinite period of time.

We are not aware, despite our request for clarification as to the intent behind that zoning order, as to the purpose for it. As I indicated earlier, there are no environmental features on our client's moraine lands that are not already being protected through its development applications. No agency or expert has identified any other feature that would require that type of zoning order to be targeted to our client's property. So it's the second zoning order that was enacted at the same time.

Mr Hudak: It affected your client's property and that of our previous presenter, Mr Davies's client's property, and that was it?

Ms Foran: About two or three landowners just immediately to the south of 19th Avenue, and that is it.

Mr Hudak: Was it a political issue? Was there any political pressure on this particular topic? Why would four or five landowners be singled out above all the rest?

Ms Foran: The only commonality we share as landowners is that we are all part of the north Leslie secondary plan area before the Ontario Municipal Board. We have varying degrees of commonality with respect to the designation under the Oak Ridges moraine legislation, but we share that with thousands of hectares of land in Ontario.

Mr Hudak: To the ministry staff, I understand that there has not been an answer forthcoming to this particular request, so I would like to formally ask staff to brief us in writing as to why the second ministerial zoning order came forward and what was the rationale in treating these people's property separately from the other areas in the greenbelt study area. If we could have that from the ministry as promptly as they have done for my previous requests, it would be greatly appreciated.

The Chair: Is it possible to get this before, or for, Friday morning?

Mr John MacKenzie: I'm John MacKenzie, from the minister's office. We believe there has been a letter sent, and we will bring it forward if has not been sent. It was in the process of being sent to this group, so we will bring that together.

Mr Hudak: So a letter being sent to the landowners will come to the committee members by Friday?

The Chair: By Friday we'll have that?

Mr MacKenzie: If we have received a request and there is a letter in the system, we will make sure to bring that. Otherwise, we will have to clarify whether or not they have sent a letter.

Mr Hudak: Regardless of whether they've corresponded with the ministry, I think the point was brought

forward that there are two separate zoning orders. I try to follow the issue, and I don't know all about the issue, but it's news to me that there's a second special MZO for these particular pieces of property. I would like to know why the minister made that decision. I don't think it's been part of public communications, so I kindly request that you brief the committee in writing why the second order came forward and why it singled out these pieces of property.

Ms Deborah Matthews (London North Centre): On a point of order, Mr Chair: Does this relate to this bill we are examining now?

Mr Hudak: Of course.

The Chair: It does?

Mr Hudak: Of course, absolutely.

The Chair: To me it does.

Ms Matthews: I don't see the link. I can see how it relates to your concerns; how it relates to the legislation is not so clear to me.

Mr Vic Dhillon (Brampton West-Mississauga): That's one separate case.

Mr Hudak: This property is affected by this legislation.

Ms Foran: Oh yes, indeed it is.

Mr Hudak: To be clear, and I think the presenter was very clear, this property is affected by this legislation. It was not part of the original MZO; it's part of a second MZO that has not been discussed publicly. I think it's important for us to understand why there's a second MZO on these pieces of property and therefore they're impacted by Bill 27. Why was there a second MZO brought forward?

Mr Dhillon: But if the case is in front of the OMB, that's for them to—

Mr Hudak: I don't think it has anything to do with the OMB.

Mr Dhillon: Absolutely, it does.

Mr Hudak: There are two MZOs that were done at the same time as the minister released Bill 27. Why was the second MZO brought forward? It's a simple question. I don't know why there is a hesitancy to find out the answer.

The Chair: Mrs Van Bommel is the PA.

Mrs Van Bommel: I would like to ask our legal adviser to come forward and speak to that whole issue of the second MZO and its relevance to this legislation.

Mr Irvin Shachter: Good afternoon, Mr Chairman. My name is Irvin Shachter.

The second minister's zoning order is not part of Bill 27. While I understand there's been a question with respect to the rationale behind it, I'm not quite sure it's specifically within the parameters of this committee's consideration. That's the comment I have in that respect.

Mr Hudak: I appreciate your advice on what the parameters of the committee are and what we're interested in. I'm certainly interested in it, and I hope other colleagues of mine are as well. Our deputant today definitely spoke about this particular MZO and its relationship to Bill 27. I think it's incumbent upon us to

explore that and find out the reasons behind the minister's decision. There may be some disagreement between what you're saying as legal adviser and what the deputants are saying. With all due respect, I think I'd like to hear from both sides.

Mr Shachter: Mr Chairman, I'm in your hands in that respect. Should you direct that, we certainly can try and comply, as Mr MacKenzie has already indicated to you. Again, I'm not quite sure how the concern that's been raised relates specifically to Bill 27, which is currently before you. I guess that's the concern I have before this committee.

Mr Hudak: Simply because it was brought up by a deputant who seems to have a contrary point of view to you as legal adviser.

Mr Shachter: I appreciate that, sir, and I don't wish to argue with the concern that was raised, but I would suggest that simply because a matter has been brought up, that doesn't automatically make it a matter that is necessarily within the purview of this committee.

The Chair: Can you provide us with what you can on that request?

Mr Shachter: Yes, I'll see what I can do.

The Chair: Thank you.

Mr Shachter: You're very welcome.

The Chair: That is the time that has been allotted to us, and that is the end of the public hearing for today. The committee is adjourned until 10 am on Friday, May 21, in Aurora. Thank you again.

The committee adjourned at 1809.

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Mr John MacKenzie, planning policy, Ministry of Municipal Affairs and Housing

Mr Irvin Shachter, counsel, Ministry of Municipal Affairs and Housing

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