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Gentle Density

# The geometry of happiness

“Cities must be regarded as more than engines of wealth, but as systems that should be shaped to improve human well-being.”

**O**PJ interviewed writer and photojournalist Charles Montgomery following his key note address at the 2013 OPPI conference in London, Ontario. He spoke about the ideas underlining his latest book, *Happy City, Transforming Our Lives Through Urban Design*, which is expected to be on sale by mid November. Montgomery offers a new lens on city building, focusing on happiness over design. This interview has been edited and condensed.

*What is the genesis of your idea, where did it all begin?*

Montgomery: For me it all began with a bike ride through Bogota, Colombia, with the former mayor of that city, Enrique Peñalosa Londoño. Enrique claimed to have reconfigured his city to maximize happiness. It was an enthralling idea, but I was skeptical. What empirical evidence is there to connect urban design and happiness, and what do we mean by happiness anyway? So, that skepticism—also intrigue for this idea—led to me to explore, for the better part of a decade, this intersection between urban design and what some call the science of happiness. So, I looked for answers in neuroscience, in psychology, in behavioural economics and in stories of design activism from cities around the world. And, I finished the journey convinced that, yes, these cities can influence the way that we feel, the way we think and behave. Cities can and should be used to maximize human well being. In fact, if we want to address the pressing challenges of our age, whether it is climate change, resource scarcity or population growth, traffic, then pursuing happiness may be one of the best ways to do it.

*You have been to a lot of cities around the world. What have you learned?*

Montgomery: Well, I began as a journalist. So, I visited cities around the world where, either politicians, planners or activists were intervening and I wanted to see how their interventions might change either the way places felt or the way that places/systems altered people's behaviours.

In a little Dutch town called Houten, I saw how a city can be reconfigured completely to favour people who move on foot or by bike to create what is possibly the safest modern city in the world. In Germany, I looked at the experimental suburb of Frieberg called Bauban, where planners had internalized the costs of parking. In other words, if you owned a car and wanted to live and park in Bauban you had to pay about 20,000 Euros for parking spot in a beautiful garage at the edge of the village and, if you didn't, you could instead purchase part of the local park at a much reduced rate.

I looked at how systems of movement and how by integrating systems of movement you could create an experience of complete freedom in Paris, where now with the swipe of one card you can access subways, trains, shared cars, buses and shared bikes.

I looked at my own city of Vancouver, which is frequently touted as one of the world's most liveable, but which is, at the same time, experiencing a crisis in social disconnection. In Vancouver, we are learning that the super dense city, which pushes people to live in close proximity in towers, doesn't necessarily foster strong social relationships and communities. Maybe we need to find a sweet spot somewhere between suburban sprawl and the city of towers.

I found that sweet spot myself completely by accident. When I was desperate to jump into the housing market but could not afford to own a house I took a risk and bought a share of a friend's fixer-upper and found myself smack dab in the middle

of an ideal social machine. It was reflected in the very geometry of neighbourhood—small lot sizes, intense mix of uses, a fairly dense population, close, but not too close together, and an element of green complete with front yard depth, in my case, of about 4 metres. I found myself talking more with my neighbours, bumping into friends more often, because Market Street was only a five minute walk away. I found myself walking more, biking more and taking transit more, not because it was the right thing to do, but because it was easy and fun.

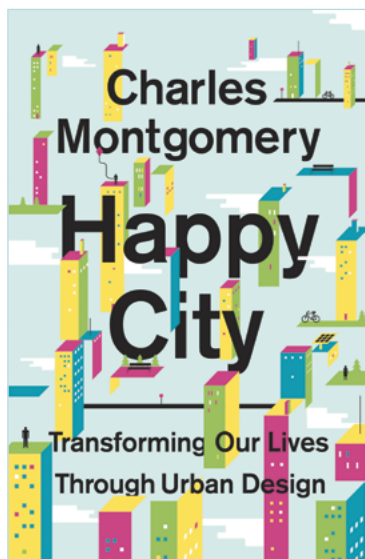
I was not bothered by the people around me the same as I was bothered when I lived in a downtown tower. The geometry of this place gave me the opportunity to advance or retreat from others as I wished. So, a city like Vancouver is now improving on this model by allowing owners of single-family homes to subdivide those homes to build legal suites in basements and to build laneway houses in what some call the biggest urban infill project in North America—an experiment in gentle density.

*What differentiates this idea from others?*

Montgomery: I wouldn't call this anti-suburban, first of all. I actually see overlap with all kinds of approaches. Not all of these methods are new. But I am suggesting a new lens through which to view these issues. If we accept that happiness is a good thing and a worthy goal, just as good as efficiency or maximizing wealth, then surely we have a duty to configure our cities to enable people to choose homes, neighbourhoods and ways of moving that makes their lives easier. Now the hitch is, and behavioral economics has demonstrated that, as a species, we aren't that good at making choices that maximize happiness over the longer term, we get it wrong over and over again.

The best example of this is the traffic jam. The second best example of this is the traditional engineers' approach to solving the traffic jam, which is to build more capacity. It isn't a surprise to planners that more road capacity usually leads to more road demand, but why do we keep making the same mistake over and over again? Economists say it is because of a behavioral quirk known as presentism: we think the future is going to look like the present. We tend not to take account of the ways in which our current actions will change the decision-making landscape in the future. We get it wrong over and over again. But it's the most natural thing.

Another common instance of how we get it wrong is known as focus bias. In other words, when making a decision, we tend to focus on elements that are vivid and obvious and front of mind. So, because of our quite natural focus on, say, house fires and emergencies, we've designed roads wide enough for emergency vehicles to more swiftly and unimpeded, when those very same roads cause streets to be more dangerous for pedestrians.



Charles Montgomery gave the key note address at the 2013 OPPI

PHOTOS: OPPI / NARVALI DIGITAL PHOTOGRAPHY



conference, pictured above, in London, Ontario, September 18–19

The result: more traffic injury and death, but even more dangerous, communities whose residents are less likely to walk or bike and, therefore, more susceptible to heart disease, diabetes and early death.

*When people say these other kinds of places—traditional suburban communities for example—make them happy, how do you respond?*



**Charles Montgomery**

Montgomery: Here is what we know. Surveys have shown that the longer people commute, the less happy they are with life in general. The problem is people fail to correlate their long commute with their own choice of abode or neighbourhood. So, someone might be very happy with the look and feel and dimensions of their exurban home, but be simultaneously angry and upset with the length of his or her commute. Papers are full of letters of people complaining about the lack of road infrastructure. So I think it's important for all of us to take a broader view of our place in the urban system, on one hand, but on the other hand, acknowledge that there is something kind of wonderful about having one's own home on one's own piece of land. I live in a single-family home myself. I have to share it with four other adults and two vociferous babies, but there is something wonderful about that. The question is: how can we share the benefits of city, town or village living with people who currently live in the suburbs?

When I talk to people and drive with people who live in exurban extremes, they aren't in love with freeways, they aren't in love with their commute and aren't in love with big box facsimiles of town centres. So, how can we create cities that give more of us the things we want and the things that enrich our loves?

I think there is tremendous potential for retrofitting parts of suburbia that give some people the choice to live closer together and make use of walkable places and give everyone else the benefits of having those wonderful villages or towns to drive to if they wish. There will never be a shortage of single-family homes in sprawl. Anybody who wants that kind of place will always have access to it.

*What is your message to planners?*

Montgomery: We need to acknowledge the powerful effect that the places we design have on social relationships. With technology and affluence we have actually created a world of unprecedented social disconnection, physical social disconnection. And, planners can help turn this crisis around. The love affair with high design has not led to better, healthier places.

# Transformational change

By Paul J. Stagl, MCIP, RPP

As Ontario transitions from its baby-boomer driven growth and welcomes that led by our millennial generation, the province is expected to experience significant growth over the next few decades. Planners province-wide and in all spheres of practice, are ready and eager to apply their skills, leadership and commitments to the public interest in managing and guiding that growth. It's a challenge we planners embrace—providing interdisciplinary leadership in areas of difficult or strategic healthy community decision-making.

We have developed a strong and comprehensive knowledge base and we know how to plan the communities and spaces the next generation needs. OPPI's task is to ensure our professionals are ready for the challenge.

As Ontario transitions, so does our profession. We began that transformation with the Planning for the Future initiative, establishing new national standards with our partners across the country. This initiative heralded a change in the organization of the planning profession in Canada, and shifted the roles of the planning institutes. There is now a strategic alliance across Canada establishing a national Professional Standards Board and a Professional Standards Committee.

Increasingly the role for OPPI will be less about administration and more about delivering affordable and accessible continuous learning to members, more about advancing the profession and the public interest. OPPI will be able to concentrate on supporting members, not only to remain current with contemporary practice but to be effective in the dynamic times ahead.

This is indeed a very exciting time to take on the office

and duties of OPPI President. Past Presidents and past Councils have left a rich legacy of transformational change and have established a framework to complete that evolution so that our profession can be where we want it to be in the next 10 years. These are changes that members have asked for and will need as practicing professionals during the next two decades.

We have a more flexible Council structure now, a stronger District structure and a Planning Knowledge Exchange platform to best assess and target the information, learning needs and policy directions that are of greatest interest to you, the members.

As your incoming President, I welcome the challenge of further implementing these standards and of advancing issues key to the planning profession.

We have a diverse and balanced membership profile, with a gender balance that I understand is coveted by most professional groups. We have a dynamic balance between public and private practitioners and a generational profile that is keenly motivated at all levels.

In the coming year, OPPI will be looking for engagement from all of you. We will be looking for mentors, Candidate sponsors, speakers and panelists, among others. OPPI will also be looking to learn more about you, about your interests and priorities. So stay engaged—participate.

In the coming year I will also be listening to you at events, through the Journal, through the OPPI website and through OPPI's social media about how the rest of our transformation is progressing. I am keen to hear your thoughts on the progress and transition of our CPL mechanics, about the progress of self-regulation options and opportunities, about District activities, our website and social media initiatives, and particularly about the progress of our Planning Knowledge Exchange platform.

I am looking forward to working with Council on implementing our continuing transformation.



Paul Stagl



Transition: Mary Lou Tanner to Paul Stagl

We are now in full swing with mandatory CPL. While 2013 remains a transition year, by all accounts the launch appears to have been smooth and successful. Almost a third of our members having already logged entries into their accounts. An estimated 14 per cent of members completed their annual unit requirements by August. Council is committed to ensuring appropriate adjustments to the programme, if needed, based on this transition year.

Within a public interest context where the public is increasingly demanding transparency and accountability in decisions that involve their communities, the status quo is not an option for any professional group. OPPI Council has committed itself to pursue options involving a higher level of self-regulation and accountability. This is a priority for Council as we investigate and share options with our members for consideration.

Our new Planning Knowledge Exchange Committee is already working to ensure the implementation of planning education through different windows, all tailored to the needs and interests identified by our members. Next year's symposium will focus on Planning in the Digital World – Planning & Community Engagement.

Today's students are moving into ever increasingly diverse career opportunities. Council is committed to remaining in tune with, and supporting, our future members by building on our relationships with the planning school directors. We continue to draw on the inspiration we receive from our Student Liaison Committee.

With the successful implementation of the Planning for the Future programme, OPPI along with all of the other

provincial affiliates are reframing what the institute needs to be in the new national framework. Not that long ago, we were simply four chapters of a national association, but today we are all independent professional provincial institutes, all either with, or seeking, regulatory legislation within a national federation. CIP is expected to be adopting a new by-law in 2014, as required by the new federal *Not for Profit Corporations Act*, so changes to the structure, organization, representation and our respective provincial agreements will be topics of consideration for OPPI Council in the near future.

As I take over the reins as OPPI's President for 2013-15, I would like to thank Mary Lou Tanner, the 14<sup>th</sup> in a long line of visionary and dedicated presidents who have left the organization well positioned to continue its evolution and advance the cause of professional planners in Ontario. I look forward to working with council members as together we stride forward as a profession.

Please contact me any time at 416.784.2952 or [pstagl@sympatico.ca](mailto:pstagl@sympatico.ca).

Increasingly the role for OPPI will be less about administration and more about delivering affordable and accessible continuous learning to members, more about advancing the profession and the public interest



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# A welcoming community

Sandeep Agrawal, Job Rutgers & Huda Tariq

**T**his paper empirically evaluates whether and how an urban neighbourhood acts as a welcoming community. It uses persona development as a method of analysis with Thorncliffe Park in Toronto as a case study. Lessons learnt from this study could help local planners and policy makers (re)conceptualize and build welcoming neighbourhoods.

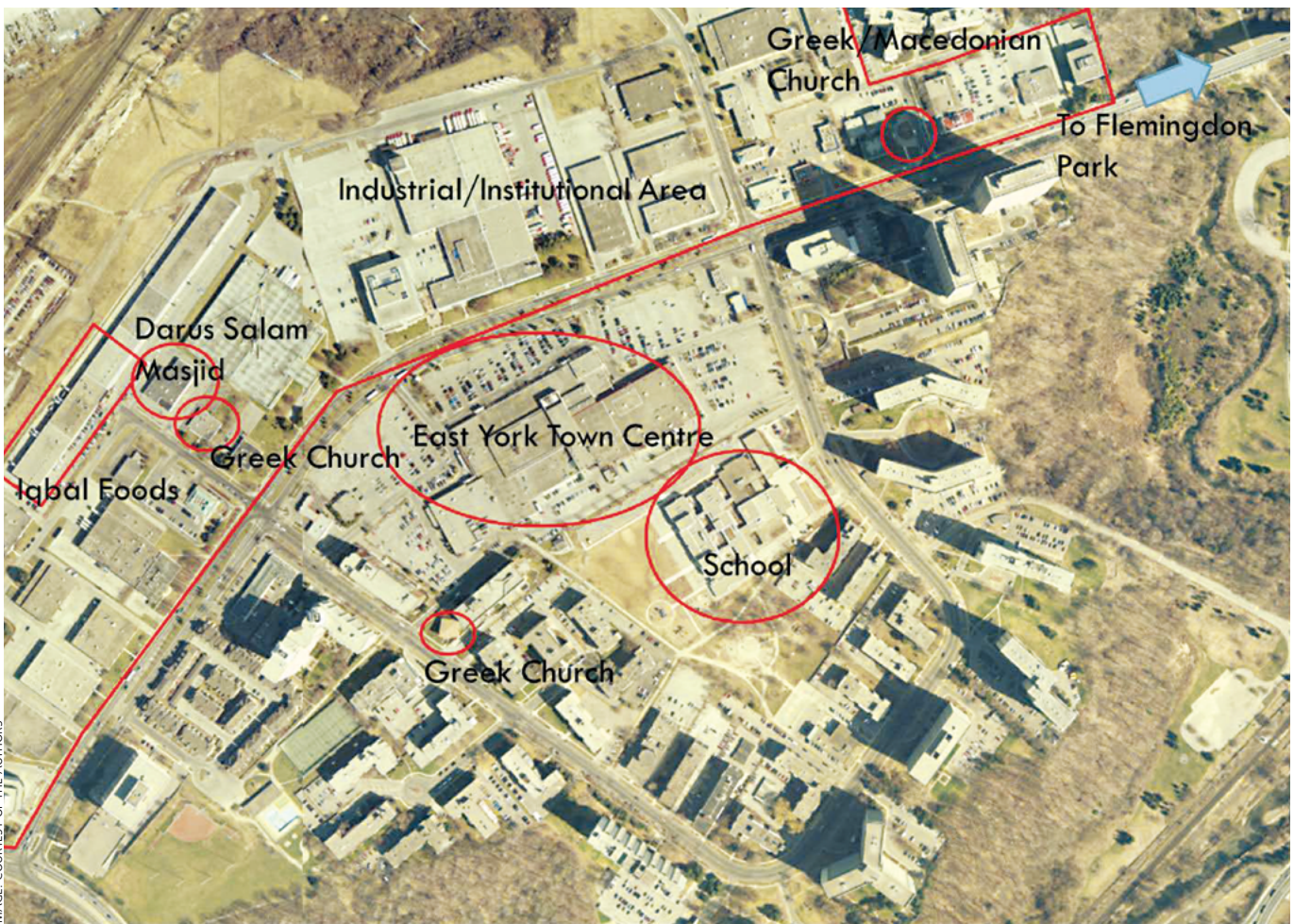
## Introduction

Welcoming Communities is an initiative and policy priority of the federal government, aimed at exploring host communities' receptivity to and long-term integration of immigrants at the local level. This initiative includes an examination of the public policy instruments that can enhance the capacity of

Canadian cities and communities to receive and integrate immigrants, refugees, and minorities and research to determine best practices that currently exist.

As part of the welcoming initiative, Citizenship and Immigration Canada has funded Local Immigration Partnerships<sup>1</sup>, settlement workers in schools<sup>2</sup>, Library Settlement Programs<sup>3</sup> and the creation of Welcome Centres<sup>4</sup>, mostly in Ontario under the Canada-Ontario Immigration Agreement. Scholarly research on these programs is sparse<sup>5</sup>.

This research empirically evaluates whether and how an urban neighbourhood can act as a welcoming community, using the Thorncliffe Park neighbourhood in Toronto as a case study. It also makes a few policy suggestions for building more welcoming neighbourhoods.



Thorncliffe Park, bird's eye view



## Thorncliffe Park

Thorncliffe Park, located in Toronto's inner suburbs, is a geographically, demographically, functionally and culturally distinct neighbourhood in the city and one of its most multicultural areas. Thorncliffe Park attracts high volumes of newcomers. In India, Pakistan, Afghanistan and parts of the Middle East, prospective immigrants talk about moving to Thorncliffe Park rather than to Toronto or even Canada. Indeed, one-fifth of the neighbourhood's population is recent immigrants.

With the Don Valley as its backdrop, Thorncliffe Park is a horseshoe-shaped neighbourhood around a main street lined with 35 or so high-rise rental buildings, most of them over 50 years old. Created as the Modernist style of towers in the park along with the idea of separation of pedestrians and automobile, prevalent at the time, the neighbourhood consists of an elementary school, shopping centre, community centre, and library interspersed with public space. The community is connected with criss-crossing pathways within the "U," forming the centre. Other amenities, such as banks, grocery stores and restaurants are within walking distance.

Despite its high population density, high underemployment and low-income households, Thorncliffe Park's crime rate is among the lowest in Toronto. It is not one of the city's "priority neighbourhoods,"<sup>6</sup> unlike nearby Flemingdon Park and Victoria Village.

In the past four decades or so, the neighbourhood has changed from a mostly white Anglo-Saxon Protestant population to a Greek village, then to a Bangladeshi enclave, then to a Pakistani neighbourhood; it is now home to Pakistani, East Indian, Filipino and Afghan families. With an estimated population of 24,000-25,000, 75 per cent of the residents in this hidden fork in the Don River are members of visible minorities, mostly South Asians, Filipinos and Arabs. Of the total population, 68 per cent are immigrants and 31 per cent are recent immigrants. Among recent immigrants, 52 per cent came from Pakistan. The Afghan population is growing rapidly; today Afghans compose 9 per cent of recent immigrants, up from 4 per cent in 2001.

The neighbourhood is home to the youngest population in the City of Toronto. According to 2011 Census, Thorncliffe Park has more children 14 or under than any other neighbourhood in the city, with that age group making up

just over one-third of the population (Dempsey, 2012). This statistic is evident in the dramatic rise in enrolment in the local elementary school, which is arguably now the largest elementary school<sup>8</sup> in North America with more than 2,000 students.

In comparison with the rest of Toronto, the proportion of renters in Thorncliffe Park is much higher. Large families inhabit this neighbourhood, and the average family size is 3.28. Multiple family households are the norm and overcrowding is a chronic challenge.

According to the 2006 census, almost two-thirds of all residents over 25 have secondary school qualifications (mainly from outside Canada). This level is almost double the city average of 33 per cent. The unemployment rate in the neighbourhood level is slightly higher than the city rate. Underemployment levels, however, are likely to be much higher.

The neighbourhood has a disproportionate number (13.3 per cent) of female-headed lone-parent families. Many women are the de facto heads of household in the absence of a husband who has left her and their children in pursuit of a job outside Canada. Many of these families have moved here through second migration via the Gulf countries. The men continue to work in the Gulf, or return to the Gulf after a period in Canada, because they cannot find appropriate employment in Canada.

## Method

A unique method—Persona development—is used for the study. Personas are concise and inspirational representations of people from different segments or specific socio-cultural demographics. A persona is a composite of a representative sample of interviews that summarizes personal values, needs and relevant experience within the context of use or situation.

We interviewed 18 individuals of representative ethnicities and religious groups in the neighbourhood while ensuring representations from specific immigration programs—skilled worker, family sponsorship and refugee. Using a composite of ethnicities and immigration classes, the six personas as representatives of the community are: skilled immigrant families from Pakistan; Indian-Gujarati families, mostly twice migrants; female-headed households; long-time resident seniors of Greek-origin; one Filipina and a government sponsored Afghan refugee.

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Along the street in Thorncliffe Park

We complemented this data with four key informant interviews: a physician who practises in the neighbourhood; a teacher in a local middle school; an apartment building supervisor; and a representative of Thorncliffe Neighbourhood Organization<sup>7</sup>, a local settlement agency. The analysis of the primary data was coupled with that of physical and socio-economic characteristics and a political narrative in order to reach conclusions.

### Discussion and conclusion

The personas generally painted a picture of nice, safe, transit-accessible and lively neighbourhood. All, by and large, felt welcomed in the neighbourhood despite the economic adversities they faced. Immigrants in Thorncliffe Park feel as if they themselves are the host society in welcoming fellow immigrants and newcomers to Canada.

Thorncliffe Park is a microcosm of immigrants' struggles to establish themselves in this country. Canada depends on places like Thorncliffe Park to help establish immigrants in this country. It is a thriving neighbourhood, despite obstacles.

Interestingly, despite a Modernistic nature of the development, the U-shape physical layout of the neighbourhood with amenities in the centre is conducive for social interaction. The not-so-well-designed public spaces are at a premium, but their informal layout seems to provide a sense of familiarity to the residents. The neighbourhood is well connected with the rest of the city through round-the-clock transit service.

The neighbourhood is institutionally complete, with schools, a library, shopping mall, places of worship, grocery stores, ethnic and mainstream businesses, fully-serviced financial institutions, doctors' offices, and so on. It is not just the presence of these institutions that makes this neighbourhood welcoming, but also the overall layout, position and proximity of these facilities, connections and walkability that contribute to its completeness.

The neighbourhood offers apartments at affordable rents. They are large and well maintained and can accommodate large families, including families that are doubling up.

The political engagement of the neighbourhood is important to mention, as immigrants' participation in political life contributes immensely to 'the welcoming'

dynamics as theorized by Qadeer (2012). Thorncliffe Park exhibited a high degree of civic engagement during the recent mayoral and provincial elections. In the 2006 municipal election, it was among the top three wards in voter turnout. This was again repeated in the 2010 municipal elections.

Drawing further on Qadeer (2012), immigrants' reception into Canadian society is mostly mediated through co-ethnic networks of friends and relatives. Perhaps recognizing and mobilizing such networks through ethnic community development could be a part of the welcoming community initiatives. For example, a renewed host-family program to match newly arriving immigrants with established immigrants or Canadian-born residents could be an element of welcoming communities.

The personas show that immigrants and newcomers come with a wide range of resources and capabilities, including transnational and diasporic connections. Civil-society organizations offering services for immigrants' orientation and settlement should be mindful of the stages of settlement and human capital assets immigrant bring with them. What immigrants need in the first few months of arrival may differ from what they may demand after a year or two of residence. A study by Agrawal et al. (2009) shows that after a certain length of stay in the country, immigrant needs become almost the same as those of the Canadian-born.

In conclusion, the development of a welcoming community rests on federal and local public policies as well as the physical layout of the neighbourhood. Federal policies that support programs related to employment and settlement assistance at different stages of residence; and, local policies encouraging flexible public spaces, less restrictive zoning and standards, the presence of strong public institutions and services, and, above all, the neighbourhood design that supports social interactions in the public space. While public institutions, municipal urban planners and civil-society organizations assume a large share of the responsibility of welcoming newcomers, the Canadian-born, established immigrants as well as the newcomers themselves must take responsibility, as citizens, in this endeavour.

*Sandeep Agrawal, MCIP, RPP, recently moved to the University of Alberta as a professor and Inaugural Director of the Planning program and can be reached at [sagrawal@ualberta.ca](mailto:sagrawal@ualberta.ca).*

Job Rutgers is a professor in the Industrial design program at OCAD University in Toronto. Huda Tariq is a recent graduate from OCAD University and a resident of Thorncliffe Park.

#### Endnotes

- <sup>1</sup> Local Immigration Partnerships are partnerships between municipalities and local stakeholders to develop a comprehensive, coordinated and collaborative strategy for the settlement and integration of newcomers to their communities. TNO in Thorncliffe Park is one of 15 Local Immigration Partnerships created at the neighbourhood level in Toronto.
- <sup>2</sup> Settlement workers in schools involve partnership that seeks to increase access to settlement services by providing information, counselling and referral to newcomer children, youth, and their families directly in schools.
- <sup>3</sup> Library Settlement Programs involve a three way partnership between immigrant settlement agencies, CIC and participating public library systems to provide information, referral, and community outreach based on community needs. Originally piloted in southern Ontario, Library Settlement Programs have now been expanded in libraries across Ontario.
- <sup>4</sup> Welcome centres offer one-stop shops for community information and settlement services, such as language training or job-search workshops and are managed by local community organizations in Markham, Richmond Hill and Newmarket.
- <sup>5</sup> A special issue of Plan Canada (2009), co-edited by Agrawal, explored the challenges of and best practices in planning for welcoming communities across Canada. CIC also commissioned a report in which Esses et al. (2010) conceptualized a welcoming community in Canada as a place where “newcomers feel valued and their needs are served” and where

- there is collective effort to promote the inclusion of newcomers.
- <sup>6</sup> Priority neighbourhoods are areas with extensive poverty and without many social and community services. It’s no coincidence that these neighbourhoods plagued by gun violence, poverty and despair are also those with the worst access to public transit, the fewest recreation centres and the least number of services for newcomers or low-income families.
  - <sup>7</sup> TNO is one of 15 Local Immigration Partnerships created at the neighbourhood level in Toronto. These partnerships are explained in detail later in the paper.
  - <sup>8</sup> The school has 15 kindergarten classes, 14 classes of Grade 1, 14 of Grade 2 and 13 classes of Grade 3. The remaining nine rooms are divided between Grades 4 and 5 (Alcoba, 2009).

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# Ottawa's first Postwar HCD

By Lesley Collins

In February 2013, Ottawa council passed a by-law to designate a small residential neighbourhood in Ottawa's east end as a heritage conservation district, making it the 18<sup>th</sup> district in Ottawa. What makes this district different from its predecessors in Ottawa and around Ontario is that it is designated for its heritage value as a 1960s neighbourhood.

The Briarcliffe Heritage Conservation District is a small, rare, intact example of Modern planning and architecture in Ottawa's east end that was developed mainly between 1961 and 1969. The District has 23 houses and a small public park, Kindle Court Park. Each house is unique; however, the neighbourhood is unified by its Modern architectural character and natural dramatic topography.

Heritage staff members at the City of Ottawa first learned about Briarcliffe in the summer of 2010 when a new property owner in the community contacted them to discuss the possibility of designating this mid-20<sup>th</sup> century neighbourhood. In the fall of 2010, the city received a formal request from the Rothwell Heights Property Owners Association to designate Briarcliffe as a heritage conservation district.

Soon an opportunity to partner with students in Carleton University's Masters of Canadian Studies program in Heritage Conservation turned the proposal into reality. During the winter of 2011, city staff and community members worked with five students from Carleton, under the guidance of their professor, Victoria Angel, to develop a preliminary study of the area. Work included neighbourhood research, draft management guidelines and building-by-building research and documentation. The results of this study helped the city make a well-informed decision to move forward with a formal heritage conservation district study under the *Ontario Heritage Act*.

In December 2011, council passed by-law 2011-450 formally designating Briarcliffe as a Heritage Conservation District Study Area. The by-law also protected all buildings in the study area from demolition or inappropriate alteration during the one year study period. This was the city's first by-law of this type.

The heritage conservation district study was completed in 2012 and involved significant contribution from the property owners in the area who provided research assistance, historic photographs and original architectural plans. It was an interesting experience to research and evaluate an area where a number of the original owners still live in their houses. This first hand information proved invaluable to the process.

## Significance of Briarcliffe

The Briarcliffe neighbourhood was primarily built between 1961 and 1969. Its natural setting on a rocky escarpment along the Ottawa River and its experimental Modern architecture and neighbourhood design create a compelling and unique sense of place. It is an excellent example of a post-war building co-operative based on Modernist principles of architecture and

planning. The Briarcliffe Partnership was founded by Walter Schreier, Thaddeus Duncan, Ellen Douglas Webber and David Yuille, who purchased a 20-acre parcel of rocky and topographically challenging land in 1959. In 1961 the Township of Gloucester approved a subdivision of 24 lots and development commenced. As part of the Partnership's vision of a residential neighbourhood in harmony with nature, the lots in Briarcliffe were deliberately sited among largely undisturbed natural features. The founding members established a restrictive covenant with design guidelines to ensure their shared vision was implemented.

The minimalist aesthetic of the Modern Movement was a 20<sup>th</sup> century reaction to the ornate styles of the 19<sup>th</sup> century and was popular in Canada from the 1950s until the 1970s. The houses in Briarcliffe share characteristics typical of the Modern Movement including a simplification of form and the elimination of decorative features. The houses in Briarcliffe are a collection of the works of leading architects of the day. Several notable Modernist architects were commissioned to design houses in Briarcliffe, including James Strutt, Matthew Stankiewicz, Paul Schoeler and founding partner and Canada Mortgage and Housing Corporation senior architect Walter Schreier. These architects and others in Briarcliffe shared a common vision which is reflected in the architectural character of the houses and the incorporation of the houses into the natural landscape.

## Issues along the way

While the heritage conservation district study process was relatively smooth, there were a number of issues that arose along the way.

Application to alter—The restrictions imposed by the Briarcliffe Heritage Conservation District Study Area by-law were tested early in the process when an application was submitted for alterations to one of the most significant houses in the area. As it was protected through the one-year study area by-law, the proposed alterations required the approval of council as if the district designation was in place.

In the absence of guidelines specific to Briarcliffe, staff evaluated the proposal based on best practice in heritage conservation and determined that some of the proposed alterations to the building and site would compromise the cultural heritage value of the area under study. Council agreed and refused the application. Further, council believed that alterations should not take place while the area was under study. They encouraged the property owner to reapply once the study period was over.

This process illustrated the value of a study area by-law that provides interim protection for the building while the study takes place. If this by-law had not been in place, a significant building would have been inappropriately altered. In a small area like Briarcliffe, the impact on the heritage character would

have been great. Since these by-laws can only be put in place for a period of one year (and cannot be renewed) they are particularly useful for small areas where the work will be completed within the year.

Modern heritage—The issue of recent heritage was identified early in this process, and was seen as a risk to the study and designation process. There was potential that the community and decision makers would not see the significance of a neighbourhood developed less than 50 years ago. Perhaps it can be called the “Mad Men” effect, but the age and cultural heritage value of the neighbourhood were rarely questioned through this process.

Developing management guidelines for recent heritage—The *Ontario Heritage Act* requires that council adopt a Heritage Conservation District Plan as part of any district designation. The plan must include guidelines to manage change in the heritage conservation district

While best practice in heritage conservation doesn't change with architecture style, the heritage attributes that management guidelines must address are very different for Modern buildings. For instance, in many heritage conservation districts, the use of asphalt shingles as a roofing material is not encouraged, however, in Briarcliffe they are the most appropriate material. Further, where attached garages or carports are frequently discouraged at the front of buildings in other heritage conservation districts, they are an important part of the character in Briarcliffe.

A second issue that arose in writing the management plan was how to reconcile issues with Modern building materials. Best practice in heritage conservation dictates that when a

building element such as a window requires replacement it should be replaced in kind (same material, size, profile). For earlier buildings this can be achieved because traditional materials such as brick, stone and wood are still available. The Modern Movement saw the development of many proprietary or experimental building materials including specialized windows and cladding. Many of these materials do not perform well or are no longer available.

After significant discussion and research, we determined that where a material is no longer available or has been shown to underperform, it is not reasonable to require that the property owner use that material. In these instances, it was determined that the original design intention of the architect should be considered and that replacement materials should maintain that intention.

### Conclusion

Briarcliffe is a special place in Ottawa and the designation is a success story. As was the development of Briarcliffe itself, the Briarcliffe Heritage Conservation District was a cooperative effort and as a result there was a very high level of property owner support and broader community recognition of the significance of this area. With the identification of significant places and the ongoing involvement of the local community in the process, municipalities end up with meaningful designations that protect and enhance local cultural heritage landscapes, regardless of age.

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# 2013 Minden flood

By Heather Sadler

**F**or the Village of Minden, the spring of 2013 will long be remembered as the spring when the Gull River rose up over its banks, flooding homes and businesses. The devastation that the flood waters bring is very real, both in the short term and the longer term. It is one of the few examples illustrating the strength of the natural environment that still manages to render us almost powerless. Short of piling sandbags, there is little we can do except join together to support each other in our time of collective need.

Having said that, there are lessons to learn about how to avoid this level of devastation and despair in the future, through effective official plan policies and zoning by-law provisions.

Land use planning policy in Ontario is quite clear about the manner in which new development must be planned to avoid damage from flooding. Protection against damage to property and damage to life and limb are key aspects of the natural hazards policies set out in the *Provincial Policy Statement*.

In many ways, these policies grew out of the death and destruction caused by Hurricane Hazel in 1954. Other floods, such as the 1974 Grand River flood (Cambridge/Galt), the 1961 Timmins storm, and the 1980 Ganaraska River (Port Hope), also underscore the vulnerability of communities to extreme flood events.

Based on historical photos and recollections of long-time residents of Minden, it is clear that the flooding experienced this past spring is typical of serious flood events affecting the Gull River and the village. Flooding is documented as far back as 1913, 1928 and 1929, as well as 1943, 1950 and 1983.

## Canada-Ontario Flood Damage Reduction Program

In 1975, the federal government initiated a Flood Damage Reduction Program, through Environment Canada, to curtail escalating disaster assistance payments in known flood risk areas, as well as the reliance on costly structural measures. The program comprises three steps: identify and map flood risk areas; designate these areas as being at risk of flooding and publish Public Information Flood Risk Maps; apply policies to discourage future development in flood prone areas identified through the program.

Once a flood risk area is mapped and designated both the

federal and provincial governments agree not to build or support (e.g., with a financial incentive) any future flood vulnerable development in those areas. New development is not eligible for disaster assistance in the event of a flood<sup>1</sup>.

The federal agreements require local authorities to zone according to flood risk in designated areas. In Ontario, the *Provincial Policy Statement* requires municipalities to incorporate flood hazard information into municipal planning through official plans and zoning by-laws.

It was as a result of the 1983 flooding, that flood plain mapping for the Gull River was completed in 1988 under the federal program. The analysis of the extent of the flood risk area associated with the Gull River was calculated by Paragon Engineering Limited<sup>2</sup>, based on the most severe storm event

on record for the area—Timmins Storm, August 1961. Detailed mapping of the floodplain was provided to the municipality through the program.

## Provincial policies affecting floodplains

Floodplains are the areas adjacent to rivers which have been or may in

future be subject to flooding hazards<sup>3</sup>. Section 3.1 of the 2005 *Provincial Policy Statement* requires, in part, that development be directed to areas outside of hazardous lands along rivers, streams and small inland lake systems. No development is permitted within the floodway, regardless of whether there are highpoints within the floodway that are not susceptible to flooding.

Section 3.1.2 further requires that development and site alteration is not permitted in areas that would be rendered inaccessible during times of flooding (3.1.2 c) and in a floodway (3.1.2 d). The *Provincial Policy Statement* states that the entire floodplain of river, stream and small inland lake systems is considered to be the floodway unless a two-zone concept has been applied.

## Two-zone concept

In some communities, a two-zone concept for flood management purposes is used to provide some measure of flexibility for development. The two-zone concept recognises the inner portion of the floodplain, where flood depths and / or velocities pose a threat to life and/or property damage, as the floodway. No development or site alteration is permitted

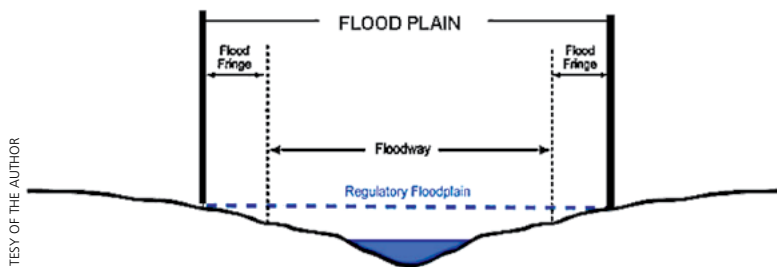


IMAGE COURTESY OF THE AUTHOR

A two-zone concept was identified for the Gull River system

within a floodway. The outer portion of the flood plain is called the flood fringe. Within the flood fringe, flood depths and velocities are generally less severe than those experienced in the floodway. Provincial policy allows development and site alteration within the flood fringe in communities where a two-zone concept has been applied.

A two-zone concept was identified for the Gull River system, based on the federal mapping project completed in 1988.

### Minden Hills official plan

The current Official Plan for Minden Hills does not implement the two-zone concept developed through the federal program. Perhaps fear of reduced property values caused by recognizing flood susceptibility, combined with a lack of understanding of the purpose of the two-zone concept, may have prompted the council of the day to recognise only the floodway.

The plan precludes development within the floodway of the Gull River. Regrettably, the official plan does not include any policies for the use of lands within the balance of the floodplain (flood fringe) not does its schedule include the flood fringe areas within the floodplain. As a result, current residents and business owners within the flood fringe may not have been aware of the flood susceptibility of their properties, prior to April of 2013. When the Gull River overtopped its banks, there was shock and dismay at the destruction caused by the flood waters. Yet it should not have come as a surprise. The furthest extent of the 2013 floodwaters is very similar to the area identified on the federal Public Information Flood Risk Map. Minden's experience demonstrates that all lands within a floodplain are susceptible to flooding from a regional storm event and local official plan policies should reflect this reality.

### Minden Hills zoning by-law

The Township of Minden's zoning by-law 06-10 is intended to implement the policies of the official plan. There are, however, a number of technical errors associated with the delineation of the floodplain on the zoning schedules for the Gull River. The by-law includes provisions for a Flood Risk Zone Overlay for the Gull River, south of the Village of Minden. Parts of the flood fringe do not appear on the schedule and are not subject to the implementing regulations, designed to protect property owners.

The by-law also includes a Flood Proofing Zone within the village. The by-law describes this as an overlay zone, which requires building openings to be located above the levels noted in the federal program schedules. The zoning schedules do not include an overlay for the Flood Proofing Zone. As a result, the zoning by-law recognises the extent of the floodway within the Village of Minden, but not the area subject to flooding within the flood fringe. The failure to identify the full extent of the flood plain leads landowners and others to believe that the extent of flooding is much less than is actually the case. That is, until the river rises.

### Conclusion

Flooding is an unpredictable, natural event, much like tornados, grass fires and earthquakes. There is a general agreement that climate change is resulting in more storms and increased severity of storms. Problems arise when development is

permitted to continue in areas which are vulnerable to flooding.

Properties within the floodplain of the Gull River and in other communities across the province must expect that flooding will continue to occur, perhaps more often than it has in the past. Yet, it appears that few residents of flood prone areas understand the potential for damage to their properties from future flood events. In the case of Minden, council members, municipal staff and local residents had little or no understanding of the extent of potential flooding in Minden prior to the 2013 flood. They were not able to rely on their official plan and zoning by-law to identify this risk. By introducing flood plain policies and regulations for flood prone areas, municipalities can begin to reduce the risk to persons and property from future flood events.

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### Endnotes

- <http://www.ec.gc.ca/eau-water> 'Environment Canada - Flood Damage Reduction Program'
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- Provincial Policy Statement – Definitions pg. 30.



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# Achieving sustainable growth

By Mandy Karch

As the province strives to expand and build new communities to sustain the projected population growth outlined in the *Places to Grow Act*, there is a need to work within the framework provided by several pieces of legislation. For example, the *Endangered Species Act* and *Greenbelt Act* mandate the protection of natural resources including Species at Risk and their habitat.

Roads pose four major threats to wildlife: loss of habitat (as well as habitat fragmentation and degradation); direct mortality (loss of biodiversity); inaccessibility to critical habitat and resources; and population subdivision. Each of these threats leads to reduced population size and therefore reduced population resilience and persistence (Jaeger *et al.* 2005). Roads also allow access to otherwise remote areas where detrimental human activities such as illegal dumping, fires and poaching negatively affect wildlife populations. The issue of wildlife on roads also poses a threat to human safety whether risking a collision with large wildlife such as deer or swerving and losing control of the vehicle to avoid a collision with small wildlife such as turtles.

Planners are in a position to achieve a balance between socio-economic and environmental prosperity outlined in legislation including official plans. Road ecology the study of interactions between the environment and roads, offers tools to facilitate this process.

First, road ecology issues must be identified and then avoided or mitigated. For example, whether looking at a proposed 400 series highway or a neighbourhood street consider the designated route. When possible, locate a route where habitat loss and fragmentation is avoided or minimized.



PHOTO: COURTESY OF THE AUTHOR

Exclusion fencing and ecopassage installed by MTO on Highway 10 to protect turtles

Where roads are routed over streams or across valleys, which are natural wildlife corridors, the province outlines and implements technical requirements that render the road permeable to wildlife and improve or restore habitat connectivity (MTO 2006). Another example is route bundling (i.e., reducing the distance between parallel roads). Plans should maximize the amount of useable and quality habitat free of any road effect (e.g., noise and light pollution) for local wildlife by placing parallel roads and/or transportation systems (e.g., light rail) closer together (Jaeger and Holderegger 2005). Road design elements (e.g., curves, hills, etc.) also offer examples as they can affect motorists' visibility and therefore reaction time to wildlife on the road.

Second, when road construction must proceed with detrimental affects to the environment, wildlife mitigation is required by legislation. The most beneficial mitigation keeps wildlife off the road and provides access throughout the landscape through ecopassages such as culverts or bridges. If fencing and ecopassages are not immediately feasible, initial mitigation steps including wildlife crossing signs and reduced speed limits serve to raise awareness and identify a site for future study and long-term, effective mitigation implementation. Regardless of the mitigation strategy that is applied to a site, follow up maintenance and monitoring is imperative. Understanding how mitigation affects wildlife and/or motorist behaviour informs and improves future mitigation technology, policy and cost effectiveness.

The Ontario Road Ecology Group (OREG) was established in 2009 as a not-for-profit organization that protects biodiversity from the threats of roads. Road ecology tools and technologies offer planners a suite of options and solutions as Ontario's communities grow and develop within a landscape rich in biodiversity and natural resources.

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## MHBC CELEBRATES 40 YEARS!

MHBC has achieved a significant milestone in celebrating its 40th anniversary this year. Founded in 1973 by Ian MacNaughton, FCIP, RPP, as MacNaughton Planning Consultants, MHBC has grown substantially to become one of the largest and most respected planning/landscape architecture consulting firms in Canada.

Ian started his practice in Waterloo as a sole proprietor in 1973. Bernie Hermsen joined Ian in 1975 and by 1980 had become Ian's Partner. The firm had grown to 6 employees by that time and had also moved into a new office location on Frederick Street in Kitchener. MHBC continued to grow through the 1980s and 1990s, with Paul Britton, Brent Clarkson, James Parkin and Carol Wiebe becoming Partners. The company also grew and moved to larger offices on Victoria Street, Kitchener in 1987. MHBC's first office outside of Waterloo Region was established in 1998 in Kingston. By 1999, the company had over 30 employees.

From 1999 to 2012, MHBC's growth has continued in terms of employees, services, and office locations. MHBC opened the GTA office in 1999, the London office in 2001, and the Barrie office in 2005 (which expanded again in 2012). The Kitchener office also relocated to a new and larger office building in 2008. New Partners were added over the years including Kris Menzies, David McKay, Brian Zeman, Nick Miele, Dave Aston and most recently Jim Dymont. As time went on, MHBC expanded its services beyond traditional land use planning to include urban design, landscape architecture and cultural heritage.

Over the years the key strength of the firm has been providing excellent service to its clients. This high quality service coupled with creative and practical problem solving has resulted in remarkable client loyalty and retention. The high quality of service the firm's public and private sector clients have received is a direct result of the commitment, experience and talent of the MHBC team members. The firm's Partners are very proud of MHBC staff and their accomplishments which have made the company an award winning leader in various disciplines. Today, MHBC has over 75 team members, many of whom have been with the company for more than 10 years and in some cases more than 25 years.

It is the professionalism and dedication of its staff, which has and will continue to make MHBC successful in the years to come. Combined with the leadership of the Partners and Associates, MHBC will continue to be an innovator and leader in planning, urban design, landscape architecture, and cultural heritage.

MHBC continues to grow and is delighted to welcome new Partners and a new Associate.

## MHBC CONGRATULATES NEW PARTNERS/ASSOCIATE



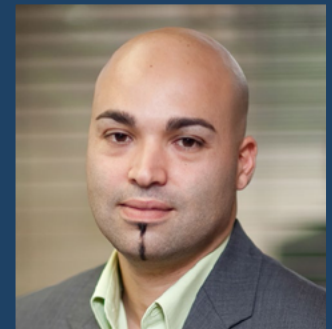
**Pierre Chauvin**  
*Partner*



**Dan Currie**  
*Partner*



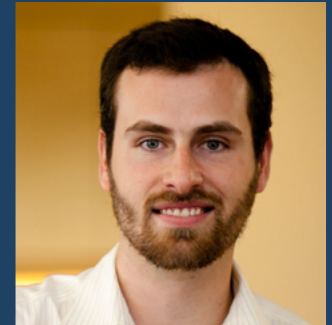
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# Heritage bridge conservation

By Lindsay Benjamin & Kayla Jonas Galvin

**B**ridges represent a dying breed of industrial architecture in the 21<sup>st</sup> century. They symbolize an important component of our human heritage, demonstrating the role of rivers in the industrial and cultural development of Canada.

If proactive conservation approaches are not adopted, numerous long-term effects are inevitable such as the visual impact from the loss of historic bridges. Newer structures are not built with an emphasis on design, materials and aesthetics as they once were. Bridges are now designed to serve a utilitarian purpose. Restrictive municipal and provincial budgets have led to an increasing number of functional yet unimaginative bridges crossing Ontario's rivers, resulting in an ever-increasing loss of the province's unique cultural heritage identity.

In April of this year, with funding from the province and the [Grand River Conservation Authority](#), the [Heritage Resources Centre](#) at the University of Waterloo completed a year-long study of heritage bridges that culminated in the publication, *Arch, Truss & Beam: The Grand River Watershed Heritage Bridge Inventory*. The Grand River watershed, located in south-western Ontario, is an ideal case study to demonstrate the effects of, and trends in, heritage bridge loss. This recent watershed-wide project illustrates a conservation authority taking proactive strides to conserve bridges.

The Toronto & Region Conservation Authority developed a groundbreaking process for comprehensively inventorying and evaluating the cultural heritage value of bridges for possible heritage designation under the *Ontario Heritage Act*.

Detailed in the award winning document, *Crossing the Humber: The Humber River Heritage Bridge Inventory* (2011), the authority provided a template for stakeholders in other watersheds, such as the Grand River, to follow in an effort to conserve their heritage bridges.

## Grand River watershed

The process created by the Toronto & Region Conservation Authority was adapted to better reflect the context of the Grand River watershed, which is much larger and contains many hundreds more bridges. The Grand River watershed, the largest inland watershed in south-western Ontario, encompasses a vast area of 6,800 square kilometres, and comprises 39 municipalities (seven upper-tier, 26 lower-tier and six single-tier) and two First Nation communities. Five significant rivers, designed as Canadian Heritage Rivers in 1994, bisect the watershed, most notably the Grand River and its four tributaries, the Nith, Speed, Conestogo and Eramosa Rivers and many smaller feeder creeks and streams.

To support the Grand River's heritage designation and perpetuate the knowledge of the heritage features and values on which the honour was based, the Grand River Conservation Authority advocated for a comprehensive inventory of heritage bridges in the watershed. This also stemmed from the increasing loss of heritage bridges due to urbanization, increased traffic volumes and loads, and the growing size of farm machinery.



PHOTO: MELISSA DAVIES, 2012

Melancthon Dufferin Bridge No. 10

## Inventory results

The inventory revealed interesting trends in extant heritage bridges—types most at risk—as well as those already demolished. During the study 678 bridges were reviewed, 167 bridges with significant cultural heritage value were inventoried and 38 demolished structures were identified. Only 13 bridges in the Grand River watershed have been designated under the *Ontario Heritage Act*.

Concrete bowstring arch bridges represent 11 per cent of all heritage bridges and 58 per cent of all demolished bridges. This figure confirms the bridge type as an endangered species and one of the fastest disappearing types in the Grand River watershed, followed by steel truss and concrete arch bridges.

Municipalities with a high number of designations, such as the City of Guelph, represent a conservation model from which other municipalities can learn, adopting its best practices. Other municipalities, such as the Township of Guelph/Eramosa, are taking the initiative to rebuild new structures that reflect the local evolution of bridge design. For example, the Eden Mills Bridge was reconstructed in 1998 to reflect the elegance of the 1913 concrete bowstring arch it replaced.

Municipalities own 91 per cent of all bridges with significant cultural heritage value. Lower-tier municipalities own 52 per cent, upper-tier own 20 per cent and single-tier own 19 per cent. Therefore, incentives and support should be provided to assist these regions, counties, cities and townships in maintaining/rehabilitating, designating and celebrating their heritage bridges.

## Adapting successful models

The inventory's use of *Ontario Regulation 9/06* to evaluate bridges is a recent phenomenon that resulted from amendments to the *Ontario Heritage Act* in 2005. Prior to 2005 bridges were assessed using a scoring technique set out in the Ontario Heritage Bridge Program, developed in 1991. Bridges scoring 60/100 or higher in categories such as design, materials, builder, age and associations, were added to the Ontario Heritage Bridge List (MTO, 2008).

The application of *Ontario Regulation 9/06* allows for the consistent and objective use of evaluation criteria that

encourages the protection of bridges. It evaluates a structure against itself and provides more concrete evidence of significance to inform a designation report. The adoption of this approach by watershed municipalities across the province would facilitate a consistent and systematic approach to broad-scale conservation.

It is hoped that professionals responsible for making decisions directly related to the future of bridges will proactively consult these inventories. Upon quick reference they can indicate why a bridge has significant cultural heritage value and can trigger environmental assessments and further mitigative studies, such as Heritage Impact Assessments.

The creation of heritage bridge inventories represents an easily adaptable model that can be used to undertake further inventory work by conservation authorities. Ideally, municipal inventories could be merged into a province or nation-wide register, allowing for the comparative analysis of bridges and trends across Ontario and Canada.

*Lindsay Benjamin works at the Heritage Resources Centre as a Heritage Planner and was the Project Manager for Arch, Truss & Beam. Lindsay can be reached at [lebenjam@uwaterloo.ca](mailto:lebenjam@uwaterloo.ca). Kayla Jonas Galvin also works at the Heritage Resources Centre as a Heritage Planner. She can be reached at [kajonas@uwaterloo.ca](mailto:kajonas@uwaterloo.ca).*

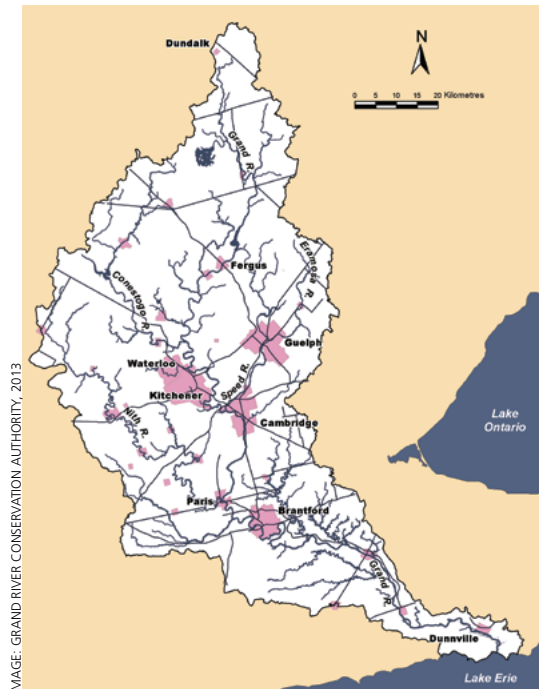


IMAGE: GRAND RIVER CONSERVATION AUTHORITY, 2013

Map of the Grand River watershed

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## PEOPLE

### PAR designation

**B**rook McIlroy has received the Progressive Aboriginal Relations (PAR) Committed designation, through its continuing commitment to support Aboriginal communities and groups across the country. It is the first architectural, urban design, planning or landscape architectural practice in Canada to be recognized by the Canadian Council for Aboriginal Business.

The firm's practices have contributed towards a variety of successful projects including the Spirit Garden at Prince Arthur's Landing in Thunder Bay, the Iroquoian Longhouse at Crawford Lake in Halton, community planning for Iqaluit amongst others. The firm will continue to collaborate with Aboriginal design experts and communities while expanding its Thunder Bay practice.

## OBITUARY

### Christine Thompson (1969–2013)

**C**hristine (Chris) Thompson's life was cut short after a tragic car accident on August 22, 2013. As her family, friends and colleagues mourn our collective loss we are reminded of her many accomplishments, ambition and love of life.

Chris was an action-oriented individual and a true advocate for education and continuous learning. Chris had a varied career, sought numerous accreditations and was an active volunteer with many organizations including the Ontario Professional Planners Institute and the Ontario Association of School

Business Officials. She was treasurer of the OPPI Lakeland District for the past 10 years and was recently appointed as a director of OASBO.

Chris joined Watson & Associates Economists Ltd. in 2005 and then moved to the position of planning supervisor with the Niagara District School Board, where she has worked since October 2009.

Chris grew up in Orillia and graduated from York University in

1993. Soon after graduating, she accepted a position with the Simcoe Muskoka Catholic District School Board, where she was employed in planning and several other departments. At the same time, Chris continued her education and pursued various professional designations: Associate Member with the Association of Corporate Treasurers, Canadian Institute of Management and Professional Land Economist designations, and Full member of OPPI. Chris was working on a Diploma in School Board Administration through the University of Guelph and had recently completed her Supervisory Officer papers.

Chris will be missed, as a professional, a colleague and mostly as a friend to those who knew her.



Christine Thompson

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## Detroit: An American Autopsy

By Charlie LeDuff  
304 pages  
Penguin Press HC, 2013

Reviewed by Maxwell Hartt

**D**etroit has made innumerable headlines over the past year. Tales of corruption, crime, population decline, vacancy and, of course, bankruptcy have made the once-great city a common discussion topic. However, these facts, statistics and horror stories fail to capture the real feeling in Detroit, the view from below. Enter Pulitzer Prize-winning journalist Charlie LeDuff.

*Detroit: An American Autopsy* tells the story of Charlie LeDuff's return to his place of birth. Born and raised in Detroit, LeDuff left in his early twenties to wander the earth, work as an investigative journalist and eventually landed in LA as a minor literary celebrity. LeDuff's disdain for the Californian plastic culture led to a major move—quitting the *New York Times* and returning to his hometown to work as a writer, filmmaker and multimedia reporter for *The Detroit News*. The book details the mirrored struggles of LeDuff's extended family and the city of Detroit, all the while keeping a firm finger on the pulse of the author's personal challenges when confronted with the broken city he had left behind and all of its victims. As LeDuff weaves himself deeper and deeper into the torn social fabric of corruption, murder, arson, unions

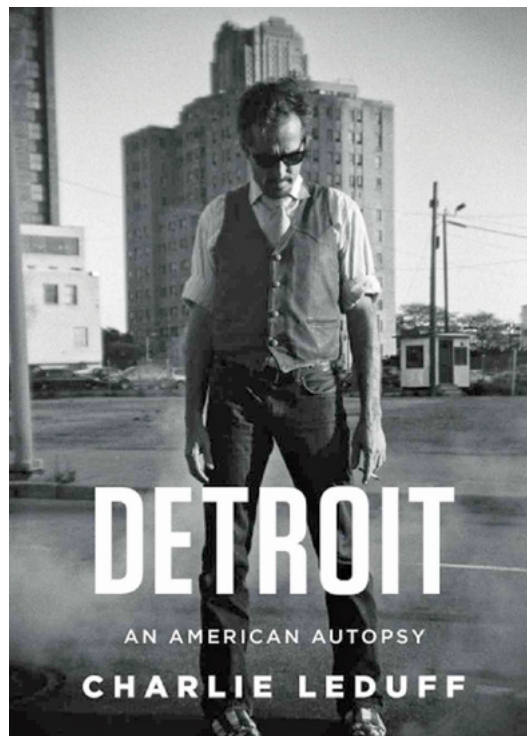
and unemployment he finds himself in an increased personal battle to separate himself from his work.

*Detroit: An American Autopsy* is a hauntingly honest, albeit bleak, depiction of the Motor City. LeDuff succeeds where many others have failed—he manages to personify the city.

Despite its many conflicting and intertwining facets, this book presents an emotional view into the life of a crumbling city. Although the book meticulously follows the struggles of firefighters, unions, police officers and citizens, it also gives evidence of hope—not in the economy, the politicians, but in the people. Detroit is not merely a set of shocking statistics, stories and images, but a beautiful city ostensibly intent on destroying itself.

Through LeDuff's investigative reporting, this captivating book provides a lens that helps encapsulate the true feeling and soul of Detroit. Unfortunately, this feeling is sad, angry and at times, seemingly beyond repair.

*Maxwell Hartt is a student Member of OPPI, a shrinking cities researcher and PhD candidate at the University of Waterloo's School of Planning.*



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## PROFESSIONAL STANDARDS

# This is the place

Dear Dilemma,

I was at the OPPI conference in September, and the ethics workshop was fascinating. Participants brought up interesting real-life examples (on a “no names” basis, of course!), and the facilitator, Ron Keeble, and others had some great insights and solutions to suggest.

Is there any other forum for members sharing these sorts of experiences?

Yours truly,

—Querying

Dear Querying,

Thanks for your letter. There is indeed a forum for the sorts of discussion you are referring to—and that forum is this very column, Dear Dilemma. Please [send](#) us your planning ethics and professional questions and problems, real or hypothetical, and we will respond. You could also describe effective resolutions that you have seen or proposed to address difficult ethical situations.

You may have read a previous Dear Dilemma, and don't quite agree with what we said. Don't just moan to your colleagues around the water cooler, write to us with your point of view. It's sometimes difficult to adequately answer a tricky question in a short column and we appreciate hearing from our readers if we haven't explained something clearly enough.

Yours truly,

—Dear Dilemma

Through this regular feature—Dear Dilemma—the Professional Standards and Registration Committee explores professional dilemmas with answers based on OPPI's Professional Code of Practice and Standards of Practice. In each feature a new professional quandary is explored—while letters to Dilemma are composed by the committee, the scenarios they describe are true to life. If you have any comments regarding the article or questions you would like answered in this manner in the future please send them to [info@ontarioplanners.ca](mailto:info@ontarioplanners.ca).

### Correction

The September/October 2013 Dear Dilemma referred to a member's obligation to report breaches of the Professional Code of Practice. That obligation is contained in section 2.2.3 of the new OPPI by-law. Unfortunately, the article cited a different section number, referring to the similar section in the former by-law.

## PROFESSIONAL PRACTICE

Taking the Stand at the OMB

# New rules, old practice

By Brian Brophrey

The professional planner was called to the witness stand before a panel of the Ontario Municipal Board. She had been called not to testify as to what she saw or heard, as to what the facts of the case were—she had been called as an “expert” who would be allowed to go beyond the facts and provide professional opinion evidence.

The lawyer who had called her was about to begin his questioning when the lawyer on the other side interrupted. He noted that the planner had not already signed the form (form? what form?) and so further to the new [OMB](#) rule 21.01 the lawyer wanted the planner to acknowledge that she was to “provide opinion evidence that is fair, objective and non-partisan, and that this duty prevails over any obligation owed by the expert to [her] client.”

The planner had not been forewarned about this new requirement and listened carefully, thinking about what it meant. So even though she had been hired by and paid by one party, and that party's lawyer had met with her and prepared her for this hearing—despite all that, she was now being asked to acknowledge a duty to the tribunal to provide non-partisan evidence, no matter what negative effect this might have on her client.

She realized suddenly that she would have no difficulty agreeing to this. She was a Registered Professional Planner, and she knew that under the OPPI Professional Code of Practice she had “a primary responsibility to define and serve the interests of the public.” The code listed this duty first, and ranked it above her duty to her client or employer.

The new rule that surprised this planner is Rule 21.01, which



Brian Brophrey

formalizes an existing practice the OMB has used since early 2010, adopted from the civil court Rules of Practice & Procedure. At the OMB it had previously been used somewhat selectively (such as for large hearings), but will now be strictly enforced for all hearings and all expert witnesses.

Perhaps across town, at another OMB hearing, another professional planner was in a similar position, except that it wasn't as clear to him whether or how he could make the required acknowledgement. He was not an OPPI member, and was not governed by the code, which he had barely read, let alone thought about much. He thought back to the planning report he had signed and submitted to the panel—would he really be able to justify everything he had written in it, as “objective and non-partisan,” rather than as what he knew his client wanted to hear?

This hypothetical contrast is not to suggest that professional planners who are not members of OPPI do not put the public interest first. However, RPPs are governed by the code, and non-OPPI members are not—and the OMB is well aware of this difference.

In a recent case, the panel ruled that in that particular case a professional planner (non-member of OPPI) appearing for one party did not qualify as an “expert witness.” The party who the planner represented subsequently requested a review of the decision, arguing that the panel had incorrectly rejected its expert witness, and had incorrectly accepted certain planners as expert witnesses for the other party. Further, it argued that those planners could not possibly be objective expert witnesses, since they were employed by that other party.

The reviewing panel of the OMB noted that the planners in question who were accepted as expert witnesses were RPPs (unlike the planner who had been rejected as an expert witness), and went on to say:

Given that RPPs appear regularly before the Board, judicial notice is taken of the Profession's *Professional Code of Practice* and *Standards of Practice* which require a primary duty to the public interest and the principles of sound planning, including an obligation to exercise independent professional judgment. The Profession is ever-vigilant about ensuring that its members are independent, seen as independent, not beholden to the organisation whose name appears on their remuneration cheque. It is for that reason that a professional planner [i.e., an RPP] seeking expert qualification will only accept a retainer or support a proposal after an independent exercise of due diligence<sup>1</sup>.

Of course, it must be remembered that even if a tribunal

accepts an individual as an *expert* witness, that does not necessarily mean that the tribunal is going to accept or rely on the evidence that witness gives. For instance, there are many cases in which there are RPPs qualified as expert witnesses on both sides. They may disagree about something and the tribunal obviously can't agree with both of them.

Nevertheless, this OMB decision is just the latest and an especially-clear statement of a long-standing OMB attitude towards the integrity, objectivity and professionalism of OPPI members.

Brian Brophrey is the OPPI Registrar and Director, Professional Standards. He can be reached at [standards@ontarioplanners.ca](mailto:standards@ontarioplanners.ca).

#### Endnote

<sup>1</sup> Paragraph 37 of *Citizens Coalition of Greater Fort Erie v. Niagara (Regional Municipality)* [2013] O.M.B.D. No. 450, OMB Case No. PL100362, OMB File Nos. PL100362, PL100363, PL100364, PL101160; Panel: vice-chair James R. McKenzie; Decision: June 6, 2013.

#### ELTO

### Parties, Participants and Standing at the OMB

# Who wants to party?

By Ian Flett

The Ontario Municipal Board is one of the most accessible tribunals in Ontario. Its members consistently demonstrate flexibility and concern for those who wish to have their opinions considered.

Naturally, original appellants are entitled by statute to appear as parties. Anyone else who wishes to be involved is subject to the board's broad discretion to decide what role, if any, a person, or corporation, may play in a hearing.

The board controls its procedures, which includes adding parties, “to ensure that the real questions in issue are



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determined in a just, most expeditious and cost-effective manner” (Rule 6, OMB Rules of Practice and Procedure).

People most often seek status before the board at pre-hearing conferences or on the first day of hearings where there are no pre-hearing conferences. The Ontario Municipal Board may grant one of two types of recognition or “status” to those who come before it. These are most often referred to as “party status” and “participant status.” Choosing which status is appropriate for a client depends on the client’s goals, its proximity to the matter at hand and its aversion to risk.

Party status is the most onerous and involved status. When the board grants party status it puts that person on equal footing with the other parties in the matter. All parties may call their own witnesses to the stand and cross examine the other side’s witnesses. They may argue motions and make submissions during opening and closing remarks. They are expected to participate in any pre-hearing conferences to provide input on how the board will deal with a matter. Parties that act unreasonably, vexatiously, frivolously or in bad faith may have costs awarded against them (Rule 103). While the board rarely awards costs, this factor deters some would-be parties. In practice, the board is often willing to grant party status where an individual or corporation is aligned with an originating party. In some cases, parties who ride on the “coat-tails” of another party may choose to address a narrow set of issues in dispute. Generally, parties will also need to demonstrate some earlier involvement in the public process that is under appeal. However, the board sometimes makes exceptions to this rule.

Participant status at the board suits some people more than

party status. The participant’s role is much more circumscribed, and free from the threat of costs. Also, unincorporated groups may be participants, whereas they are barred from “party status.” Participants are generally invited to make verbal and written statements to the board. These statements are provided under oath and subject to cross-examination. Participants are often provided the same notice as parties; they are invited to attend pre-hearing conferences and motions. Parties are rarely obliged to provide participants with a full set of materials. However, in practice, proponents will often have extra copies on hand for participants. Participants may wish to ask the board to order parties prepare extra materials for ease of reference at a hearing.

While many people have appeared as participants before the board delivering helpful submissions and evidence, the full extent of a participant’s involvement is sometimes a matter of dispute at the board.

In a recent minor variance appeal, a person concerned with the public interest was represented by counsel and sought party status in order to cross examine a witness and make legal submissions on the interpretation of Toronto’s official plan. The person was refused party status but allowed participant status. However, the participant’s lawyer was prevented from making legal submissions on the participant’s behalf. The board invited the lawyer to lead the participant’s evidence through examination, but refused to allow counsel to make submissions on the evidence. Counsel was further prevented from submitting jurisprudence and extracts of the official plan.

In another case, a conservation authority sought participant status and advanced extensive expert evidence without

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representation of counsel. The agency failed to provide its witness statements in advance of its submissions. The board accorded little weight to the evidence, finding the agency's importance in planning matters militated for its involvement as a party rather than a participant. It also found the conservation authority's evidence too general to be given persuasive weight.

Clients with a general concern for the public interest may find more success obtaining participant rather than party status. In order for their voice to be heard as effectively as possible, they should treat their status with respect and co-operate with any deadlines to share material. They should keep their comments as relevant as possible and be prepared to make reference to specific policies and statutes to support their submissions. In addition to participating as witnesses, planners can play important roles in assisting would-be parties and participants who wish to offer their perspectives at the OMB.

*Ian Flett is an associate lawyer with Eric K. Gillespie Professional Corporation.*



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## Endangered Species Act

# Amendments to regulation

By George McKibbin

**W**e stress ecosystems in many ways, resulting in more endangered and threatened species. Climate change and invasive species complicate matters further. Many habitats of endangered and threatened species are intertwined with various land uses, built environments and infrastructure.

The draft Provincial Policy Statement (2012) proposes to replace the requirements for protecting significant endangered and threatened species' habitat (subsection 2.1.3) with a new policy (2.1.7). It proposes that development and site alteration not be permitted in endangered and threatened species' habitat except in accordance with provincial and federal requirements: Ontario's *Endangered Species Act* 2007 and the federal *Species at Risk Act*.

Recent amendments to *Ontario Regulation 242/08*, which implements the *Endangered Species Act*, came into force July 1 2013. These set out new requirements for exemptions and transitional and "permit by registration" provisions. The following provides a brief overview of these changes.

## Requirements and procedures

The *Endangered Species Act* sets out procedures whereby species of provincial interest are classified into categories:



PHOTOS: STEVEN ROWE

Barn swallow

extinct, extirpated, endangered, threatened and special concern. Sections 9 and 10 of the act prohibit, respectively, the harming or capturing of endangered and threatened species, and damaging their habitats. Subsequent sections provide for the development of recovery strategies and the issue of government response statements.

There are 99 endangered species, 56 threatened species, 45 special concern species and 15 extirpated species. Depending on the species, there may or may not be recovery strategies, government response statements, and/or regulated or refined mapping of significant habitat. At any given location the potential exists to find habitat of one or more species at risk.

As part of initiatives to modernize approvals and simplify procedures laid out in the 2012 Ontario Budget, the Minister of Natural Resources convened a stakeholder group affected by the *Endangered Species Act* to review its implementation. The group reported in January 2013. The recent amendments to *Regulation 242/08* incorporate many



Loggerhead shrike

of the report's findings and recommendations.

Proponents (public and private) must identify whether negative impacts to species at risk and their habitats can be avoided. If avoidance is not possible proponents choose which provision(s) of *Regulation 242/08* to use or alternatively seek authorization under the *Endangered Species Act* depending on their circumstances and preferences. If proponents use a regulatory provision, they [register](#) electronically with the Ministry of Natural Resources and proceed with their activity following the conditions in the respective provisions of *Regulation 242/8*. Depending upon which provisions apply, requirements vary substantially.

Some activities will be governed for more than one regulatory provision (e.g., section 23.13 newly listed and transition species and section 23.6 Bobolink and Eastern Meadowlark). A proponent can register and use more than one provision for their activity, if needed and eligible, the Ministry would expect proponents to meet all of the different associated regulatory conditions for the provisions being used.

The "safe harbour" regulatory provision (section 23.16 of O. Reg. 176/13) provides provisions for transitional habitat protection to be written into one of three potential authorizations currently reviewed and approved by the ministry under the *Endangered Species Act*. These are section 17 (2)(b) protection or recovery permit, section 17 (2)(c) overall benefit permit, and section 16 stewardship agreement.

Each of these three authorizations has different objectives (e.g., must assist in the protection or recovery of the species and must achieve an overall benefit for the species, etc.), and includes specific conditions to ensure these objectives are met. Each authorization method outlines specific requirements for habitat including the duration required for the habitat to be managed in order to meet the authorization conditions. When the authorization's conditions are met, including completion of the required time period for the habitat protection, the proponent notifies the ministry (through the registry) of his or her intent to remove the habitat following the specific conditions of section 23.16 in the regulation.

Section 23.11 of the regulation addresses ecosystem protection and provides for ecological conservation work carried out by public and private organizations to protect, maintain, enhance and/or restore ecosystems native to Ontario. Interestingly, section 23.11 also focuses on specific natural heritage features such as fens, alvars and beach bars that are either not addressed or addressed in part as features in the *Provincial Policy Statement*. These features are considered special and are removed from the application of section 23.11.

The *Provincial Policy Statement's* natural heritage policies, existing and proposed, require planners to define and protect a natural heritage system. The amended *Regulation 242/08* will enlarge this scope from "define and protect" to "define, protect and manage" natural heritage systems, with an emphasis on management.

In the past, we drew a line around natural features and set them aside for protection. However, *Regulation 242/08* addresses active land uses and built environments well

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removed from protected areas. Where planning approvals (e.g., variances, subdivisions and re-zonings) are concerned, site information on authorizations and registrations will be required to achieve consistency with *Endangered Species Act* requirements.

Planners and biologists implementing existing and proposed *Provincial Policy Statement* natural heritage system and endangered/threatened species habitat protection policies in *Planning Act* instruments and public infrastructure projects will need a sound working knowledge of ministry authorizations under the act and *Regulation 242/08*. Become conversant with these important changes by visiting ministry [websites](#) for further information and taking in ministry presentations on these changes in your District.

*George McKibbin, MCIP, RPP, AICP CEP, prepared this paper, with input from Tony Usher, MCIP, RPP, and contributing editor Steven Rowe, MCIP, RPP. George is an environmental planner with McKibbin Wakefield Inc. and an adjunct professor with the School of Environmental Design and Rural Development at the University of Guelph. Tony is a consulting planner with Anthony Usher Planning Consultant and Steven is an environmental planner with Steven Rowe Environmental Planner. While we offer special thanks to Ministry of Natural Resources staff for their patience answering our many questions on this complicated subject we take credit for all errors or omissions.*



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Learning from New York

# Brampton focuses on design

By Alex Taranu, contributing editor

**W**hat can Brampton learn from New York City? This was a key question that came up during the city's 2013 Urban Design Awards gala held on May 16<sup>th</sup> at the Rose Theatre in Brampton.

New York City deputy chief urban designer Jeff Shumaker highlighted key aspects of his city's work for active design, sustainable development, and people-friendly placemaking. Shumaker noted that the principles of good urban design are applicable at all scales and types of urban development. New York City is not just Manhattan, he said, but so many neighbourhoods ranging from Queens and Brooklyn to Staten Island, all with a very different scale and character. People everywhere have the same yearning for a healthy and active lifestyle, for liveable, sustainable and walkable neighbourhoods, sustainable mobility, complete streets and beautiful places.

It quickly became obvious that we share some of the same challenges, particularly when it comes to car-oriented development, commercial development, residential infill and intensification, revitalization of existing neighbourhoods, character preservation and corporate standards. Design review tools are common across the continent.

The tour through one of the main winners of this year's award, the new Mount Pleasant Village, revealed the inspiration from one of the most illustrious examples of this type of urban transit village development – Forrest Hill Gardens in Queens: similar focus on transit, a main urban square as welcoming place for activities, bordered by higher density, mixed use development, similar ideas of walkability, of humanly scaled, well designed, healthy development.



**PAMA Complex is a major contribution to Brampton's downtown revitalization program and the city's Heritage, Arts, Culture and Entertainment Strategy**

What Mount Pleasant Village brings new again is the idea that greenfield development could be planned, designed and executed based on transit and walkability, as a complete neighbourhood, with amenities, strong character and sense of place from day one.

Very relevant to the Brampton/New York dialogue was the emphasis on sustainability and public health. While New York's efforts for active design, for planning and designing for healthy living are well known, Brampton's efforts for sustainable and healthy development, for walkable, green and liveable neighbourhoods fit well with Peel Region's healthy community initiatives.

New York's active design achievements of the last few years constitute a great precedent to be followed—learning from them is a great opportunity. We hope that the dialogue now begun will continue.

*Alex Taranu, FCIP, RPP, OAA, MRAIC, serves as architectural design services manager for the City of Brampton.*



PHOTOS: COURTESY OF THE AUTHOR

**Lawn bowling**



**Ching Park**

# Remembering anniversaries

By Michael Seaman, contributing editor

**A** centennial, sesquicentennial, or other significant anniversary of a major event such as the founding of a community, a birth date of a significant historical citizen or the anniversary of a major happening in the history of the community such as an historical battle in the War of 1812 can provide an occasion to highlight and commemorate the history of a community.

2012 was a bumper year for anniversaries with the Queen's Diamond Jubilee, Bicentennial of the start of the war of 1812 and, for Grimsby, the Bicentennial of the Engagement at the Forty which took place on June 8, 2013.

By celebrating anniversaries, such as the founding as a village, town or city, communities are reinforcing their sense of history, which contributes to a stronger sense of place, continuity and community. Each provides a benchmark to evaluate progress and to look back on how they became what they are today.

There are many types of events that can be commemorated—the birth of a former leading citizen or period of time when a leading citizen was active in the community. Halifax, Nova Scotia, for example in the 1990s celebrated the bicentennial of the era of His Royal Highness Prince Edward in the city. The father of Queen Victoria, Prince Edward was responsible for shaping the city and many of its landmarks during his time there and so commemoration of this era in books and tours was a highlight of tourism activities during this era. Halifax recently commemorated another major event in the history of the city—the sinking of the Titanic—Halifax being a centre of recovery efforts for the victims. Walking tours and events were held and books were published to mark this event. No doubt similar commemoration efforts will take place in 2017 on the Centennial of the Halifax Explosion.

Anniversaries are especially helpful when it comes to marshalling the resources to undertake major heritage projects. Think of the major initiatives undertaken to commemorate the Centennial in 1967 or the new Millennium in 2000. Anniversaries help to move projects along in a timeline quicker than they might have been otherwise.

“They impose deadlines and are politically and sentimentally charged, they allow for decisions to be taken more rapidly and money to be spent,” said Aurora's Katherine Belrose. She credits the 2013 celebration of Aurora's 150th Anniversary as a key factor in the success of the Petch House restoration after many years of trying. (See the *January/February 2013 edition of OPPI journal*.)

See By-Law Section 4.3

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As part of long range planning activities for a community, it's important to maintain a list of significant anniversaries of local, provincial and national significance. The centennial of the First World War, a most significant event in world history will soon be upon us. Preliminary plans are underway for celebration of the Queen's Platinum Jubilee in 2022 and most significant of them all is the Sesquicentennial of Confederation in 2017, just four short years away. The Sesquicentennial is certain to be the most significant anniversary in many of our lifetimes around the history of Canada. Don't forget to mark it on the calendar. There is no time like the present to start planning for this and other significant milestones of the past to commemorate and celebrate in the future.

Michael Seaman, MCIP, RPP, is Town of Grimsby planning director.

## 2014 MEMBERSHIP RENEWAL

OPPI's 2014 membership renewal begins in November. Because your renewal notice will arrive by email, please login to your profile at [ontarioplanners.ca/member-login](http://ontarioplanners.ca/member-login) to verify that email on file with OPPI is current.

Once you receive your renewal notice by email, your profile page will display a "Renew My Membership" button.

## Last call

Your Member Profile on the OPPI [website](http://ontarioplanners.ca) includes an entry called "CPL Activities" in the "All About Me" column.

Many eligible OPPI members have already recorded CPL activities using this module, and their feedback confirms it is an intuitive, easy-to-use process. As the transition year draws to a close, get your 2013 accomplishments posted so you can begin to build a learning plan for 2014.



Make timely recording a regular habit in 2014. Paste a link to your desktop and start posting.

If you have any questions or comments, please telephone 416.483.1873 or email [info@ontarioplanners.ca](mailto:info@ontarioplanners.ca) and OPPI staff will be able to assist you.

**LETTERS TO THE EDITOR** Members are encouraged to send letters about content in the *Ontario Planning Journal* to the editor ([editor@ontarioplanners.ca](mailto:editor@ontarioplanners.ca)). Please direct comments or questions about Institute activities to the OPPI president at the OPPI office or by email to [m.rangam@ontarioplanners.ca](mailto:m.rangam@ontarioplanners.ca).

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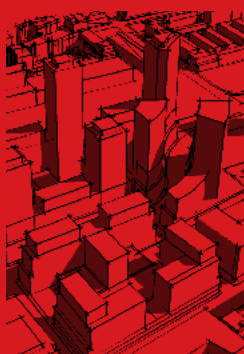
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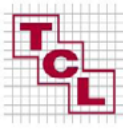
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