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Ontario's New *Endangered Species Act* (2007)

# Opportunities and challenges

By Geoffrey Gartshore

Bobolink, Essex County

PHOTO: ECOPLANS, A MEMBER OF THE MMM GROUP LIMITED

**M**any OPPI members are often engaged in or become connected with projects or programs that involve species or habitat that is subject to Ontario's new *Endangered Species Act* (ESA 2007). Often, this involvement is through a development application or a proposed change in policy.

The act and regulations are casting a wider net, on an almost weekly or monthly basis, as additional threatened and endangered species are added to the list of regulated species of flora and fauna. In addition to keynote species that have been well publicized, such as Redside Dace and Jefferson Salamander, other species, such as Barn Swallow, Bobolink and Eastern Meadowlark, are also being added or are under review at the present time. All of these species can occur in urban or near urban (agricultural) areas if suitable habitat (including vernal forest ponds for Jefferson Salamander, clear headwater streams for Redside Dace) is present. Barn Swallow, Bobolink and Eastern Meadowlark are still commonly observed in near urban areas, but their habitats (grassy fields, old fields, barns and similar structures) have become relatively less common over the years, leading to the proposed listing.

What does all this mean? Why should Ontario planners take notice? What are the major changes and how are the new act and regulations being implemented?

## Relevance to planners

First, chances are good that one or all of the above species may be planning concerns or constraints in the southern Ontario jurisdictions where Ontario planners work—if not at present, then coming soon to a field near you as development proposals extend to the urban fringes.

Second, permit requirements that have been largely untested will lead to uncertain timelines and additional costs for proponents of any land use change. Enforcement penalties are severe.

Third, proponents and their representatives now take on increased due diligence liability to ensure conformance with the act and regulations, in addition to existing liability under Conservation Authority regulations, and of course the *Federal Fisheries Act*.

Ecoplans (member of the MMM Group) has been working with the new ESA on behalf of clients since its inception. Accordingly, this article provides some highlights of what the act entails, the required due diligence, challenges and implications for timelines and budgets.

## Major changes to the act and regulations

Ontario's new *Endangered Species Act* (2007) and its *Regulation 242/08* were developed by the Ministry of Natural Resources (MNR) in 2007, enacted in 2008, and are now in play. The new act, which came into force on June 30, 2008, represents a considerable face lift of the previous *Endangered Species Act* (1971).

The new act goes beyond just protection for species-at-risk. The stated purposes of the act are to identify and protect species-at-risk and their habitats, and to promote the recovery of species at risk. The species recovery initiatives also include stewardship and education.

The major changes to the act are fivefold as summarized below:

**Broader protection**—Extirpated, endangered and threatened species are now protected; special-concern species are also listed in the schedules, and, while not afforded protection under the act, are protected through provisions of the *Provincial Policy Statement, 2005*.

**Species listing and reporting requirements**—The Committee on the Status of Species-at-Risk in Ontario assesses species to be listed and reports to the Minister of Natural Resources annually. Within a 90-day period, the list is posted on the Environmental Bill of Rights by the MNR for a 60 day review period, then MNR makes an automatic regulation and the species is/are added to the species-at-risk in Ontario (SARO) list.

**Protection**—Once a species is listed, the listing automatically triggers species protection, general habitat protection and the initiation of a recovery strategy or management plan.

**Habitat protection**—Habitat of endangered and threatened species is now protected and is generally defined as an area on which a species depends, directly or indirectly, to carry on its life processes, including places used for dens, nests, hibernacula or other residences. A species-specific habitat regulation, replacing



PHOTO: ECOPLANS, A MEMBER OF THE MPM GROUP LIMITED

Jefferson Salamander, York Region



PHOTO: ECOPLANS AND GERRY MACKE WSA LTD.

Wavy-rayed Lampmussel, Grand River

the general habitat protection regulation, is intended to provide greater certainty concerning what is meant by habitat.

Reporting—For endangered and threatened species, the act identifies timing requirements for preparation of a recovery strategy and species-specific habitat protection (one and two years respectively). For special-concern species a management plan must be prepared within five years of listing.

### Implementing habitat protection

At the time the act came into force, general habitat protection was automatically provided to the 42-endangered species listed as priorities on Schedule 1. Newly listed threatened and endangered species now receive general habitat protection effective from the date of listing.

By the five-year milestone, June 30, 2013, general habitat protection will apply for species listed as endangered or threatened in Schedules 3 and 4 of the act unless species-specific habitat regulation is already in effect. Meanwhile, species specific habitat regulations for schedules 1, 3 and 4 species continue to be under development, and landowners, land managers and planning authorities continue to be notified as species are added to Schedule 1, to allow for consultation.

The penalties for contravening the act are not insignificant and warrant a careful examination of the wording in the new act and due diligence.

For a first time individual offence, the fine is up to \$250,000 multiplied by the number of organisms involved and/or one year of imprisonment. Subsequent offences can cost up to \$500,000 per organism affected and/or one year of imprisonment. Corporations, if convicted of an offence, can face a fine up to \$1,000,000 per organism affected for a first offence and up to \$2,000,000 per organism for a subsequent offence.

### Due diligence

The act states “No person shall kill, harm, harass, capture... possess, transport, collect... a living or dead member of an extirpated, endangered or threatened species, or any... thing derived from (the species)... No person shall damage or destroy the habitat of an endangered or threatened species, nor an extirpated

species if so specified in a regulation” (sections 9, 10). Thus due diligence may require substantial additional effort to secure permits for field work and project activities, which can lead to schedule delays and higher costs. This is important for planners to understand in terms of accomplishing project outcomes and deliverables.

Section 17 of the act describes the conditions under which a permit may be issued by the minister and are highlighted below. Exemptions for some species and activities are also documented in the act.

Assist protection or recovery, section 17(2)(b)—If the activity assists in protection or recovery of the species listed in the permit, it may be approved. An example would be a scientific collector permit for field surveys to assess species presence and protection requirements

Long-term benefits, section 17(2)(c)—If the authorized activity is not intended to assist in species protection or recovery, but the requirements imposed through conditions of the permit can achieve a benefit to the species over time a permit may be issued.

An example would be Butternut, an endangered tree species affected by disease (not habitat loss), for which health assessments are done and permission is granted by MNR to remove a tree subject to mitigation (i.e., additional plantings are required) to provide an overall net benefit for the species. Note that there has been a recent revision to the Butternut regulation that allows removal of up to 10 retainable trees without a permit if certain conditions are met.

Significant social or economic benefit to Ontario, section 17(2)(d)—Where the activity does not assist in protection or recovery of the species, but it results in significant social or economic benefit to Ontario, a permit may be issued. This permit requires independent scientific peer review, and approval by the minister and the Lieutenant Governor in Council. This type of permit might only be issued for very large projects with province-wide benefits, and only where substantial mitigation is required to try and achieve a 17(2)(c) outcome.

The best example of this is the Windsor Essex Parkway project that is currently under construction. This was, to our knowledge, the first 17(2)(d) permit issued by MNR in Ontario under the new legislation and it generated considerable public interest, as well as some strong environmental group opposition when it was announced.

Letter of Advice—One additional measure being employed by MNR is the issuing of a Letter of Advice for a project activity rather than requiring a permit under the new act. This approach has been used in projects where the risk of adverse effect on a listed species is low, and where implementation of mitigation and other measures recommended by MNR is deemed suitable for species protection. The letter is advisory; therefore, if proponents choose to ignore or modify the mitigation measures, they must still provide a due diligence defence for a relaxed mitigation standard if challenged by MNR.

### Impact of new legislation

Progress is being made, and certainly more attention is being placed on protecting species-at-risk in Ontario. This is positive.

Due diligence requirements are greater, consultation and permitting can add substantially to project costs and schedules (on a case by case basis), and outcomes can range from straightforward, to relatively straightforward, to uncertain.

There is no question that the new act is a more robust piece of legislation with stronger powers for species listings and habitat protection than the previous legislation. Certainly, permit requirements and stronger fines assist with enforcement. But the key question is: after three years of implementation how well is it working?

Over the past 3 years we have seen:

- A variety of notices of species listings on the EBR
- Updates to the Committee on the Status of Species at Risk in Ontario list for Ontario species
- Development of species-specific habitat regulations for certain priority species (such as Jefferson Salamander, American Badger, Barn Owl, Redside Dace)
- Preparation of Recovery Plans for several species.

With respect to project implementation, results are more varied.

#### Change in agency response to SAR information requests

Our firm has noticed a change in the way MNR responds to requests for SAR information. Previously, MNR staff would respond to queries for a specific study area by providing a focused listing of SAR either recorded or considered likely in the area based on staff records and experience. This list would supplement our own background research. However in the past year or so, there has been a change at many offices whereby staff now provides a master list of potential SAR for the entire region (of which the study area may be a small part).

The client must now work through a lengthy list, identify a short list of candidate SAR species for the study area, provide a rationale for excluding SAR species (such as outside range, or suitable habitat not present), and negotiate this list with MNR. All this can take considerably more time, sometimes months, and dollars. The final agreed list then forms the basis for expected in-season field surveys, which can commence as early as March and extend into the fall.

Timing becomes everything. If the project is initiated in late fall, field work can be planned for the spring as highlighted above, and there is a greater likelihood that everything can proceed in a timely fashion. However, a start up at other times could conceivably lose a year because key milestone activities are out of sync. These delays are usually out of the hands of the ecologist/biologist or planner.

#### Fieldwork no longer business as usual

Fieldwork to assess SAR is no longer “business as usual.” Surveys that require any handling of SAR will definitely require a 17(2)(b) permit unless MNR staff are present in the field during surveys.

Depending on how you define “harass,” even more passive surveys to turn over cover items in the field when searching for wildlife may require a permit. Permits need to be applied for generally by mid-February to conduct spring fieldwork. In some cases, where time is of the essence, early consultation with MNR staff can relax the need for a permit if agreed protocols are followed and deemed to be passive.

#### Specialized training and skills

Field survey requirements can be substantial, with cost implications. Species-at-risk assessments require specific skills and survey techniques, such as minnow traps, drift fencing, cover boards, spring emergence snake survey, den surveys, basic botanical surveys and genetic analysis (e.g., Jefferson Salamander, Red Mulberry). Knowledge of species-specific biology and habitats is critical and specialized training is required for some species as noted below.

Butternut Health Assessor—To assess and distinguish between true (genetic) healthy Butternut trees, and hybrid trees or heavily disease affected trees (lots of canker), the investigator must be a qualified Butternut Health Assessor through training provided by or administered by MNR or affiliates. In this regard trained staff at Ecoplans has undertaken a number of such assessments with positive outcomes.

Mussel identification workshop—Assessments for SAR mussels require training through a mussel identification workshop



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provided by the Department of Fisheries and Oceans.

Genetic analysis—Confirming SAR species such as Jefferson Salamander and Red Mulberry require genetic analysis and therefore a working relationship with genetic analysis labs.

The bottom line is that planners and proponents require the services of environmental professionals with these specific skill sets and knowledge of survey requirements and species biology, and particularly with hands-on experience pertaining to the act.

#### Implications on project schedules and costs

SAR issues are now increasingly front and centre in the eyes of MNR and the public. Every project with natural habitat (and even simply hedgerow habitat, where Butternut can be found) has the potential to encounter species-at-risk.

Due diligence is increasingly required to properly address SAR issues and legislative conformity. In relatively simple sites, the act may never come into play. However, in other sites, depending on conditions, SAR likelihood may be much higher, with uncertain outcomes necessitating considerably more effort in MNR consultation/negotiation, permit acquisition (if required), field surveys and development of mitigation plans.

Proposals need to discuss these risks, and identify conditions where scope of work and cost will need to be expanded as species-at-risk issues become clearer during the course of a project. Project schedules and costs can end up being expanded considerably. Planners have likely already noticed these changes in discussions with ecologists/biologists, and as projects have proceeded.

#### Tips to enhance successful outcomes

The following tips offer ways to increase the likelihood of outcome success and reduce project delays, and perhaps costs.

1. Consult, consult, consult with MNR, and start early.
2. Triage SAR species likelihood by phone and email with MNR, and early in the process. Doing your homework this way

provides a rationale that MNR staff can respond to, providing more certainty about expectations and field requirements earlier in the process. Where possible this should be documented in an agency-approved terms of reference.

3. Retain qualified environmental professionals skilled in SAR assessments, with specialized training and hands-on experience dealing with the new act to assist you and your client through the ESA process.
4. Allow extra time for dealing with SAR issues and possible project delays in the course of the project. Ensure proposals address this matter in a way that allows for scope of work and budget adjustments as required in the course of the project. Effective consultation with MNR as discussed above can help reduce project delays and uncertainty.
5. Recognize that new species are being added to the Committee on the Status of Species at Risk in Ontario list, and thus ultimately covered by the new legislation on an almost monthly basis. Ongoing tracking of these additions will ensure your project application is up to date in due diligence review to



PHOTO: ECOPLANS, A MEMBER OF THE MMM GROUP, LIMITED

Butternut Tree Health Assessment, Kitchener

reduce the risk of surprises. It is important to engage professional consultants or who are well versed and experienced in the provisions of the new *Endangered Species Act* to avoid uncertainty, excessive delays and perhaps unnecessary costs in seeing your project to fruition.

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# Integrated Planning Approach Precedent set



Sabrina Coletti

By Sabrina Coletti

**R**ecently, the Ontario Municipal Board made a precedent-setting decision by approving applications for development using the integrated Municipal Class Environmental Assessment (Class EA) and *Planning Act* processes. Commonly referred to as the Integrated Approach, it is described in section A.2.9 of the Municipal Class EA parent document<sup>1</sup>.

The case involved the development of an 18-hole golf course and condominium residences in the Town of Aurora, which are to be serviced by a private communal well and a private communal wastewater treatment system. The project is situated on the Oak Ridges Moraine and was subject to the transitional provisions of the *Oak Ridges Moraine Conservation Plan*. Due to the need for private services, as well as the sensitive ecological and hydrogeological location of the project, a communal water supply, wastewater treatment plant and golf course irrigation system resulted from the collaborative effort necessitated by the Integrated Approach.

In the case of a private sector proponent, the purpose of the Integrated Approach is to synchronize the Municipal Class EA when a Schedule C project is required with *Planning Act* processes. If a matter is appealed when this approach has been taken, then the OMB is the adjudicator of the entire process, including the Class EA. The change to the adjudicating authority—the OMB has no jurisdiction over a Class EA in the traditional approach—as well as the concurrent processes are the greatest differences between the traditional and integrated approaches to planning in Ontario.

## The Aurora case

In the Aurora case<sup>2</sup>, the landowner submitted applications for amendment to the town's official plan and zoning by-law as well as for approval of plans of subdivision and condominium to permit an 18-hole golf course and associated residential condominium enclave. The application was opposed by a group of neighbours and by the town.

Setting aside the issues associated with the geographical and hydrogeological setting of the project because of its location on the moraine, at the core of this case was the issue of process and content using the Integrated Approach. The challenge put to the board was whether the process had been satisfactorily undertaken.

The neighbours and the town contended that the Integrated Approach was not properly undertaken because the applicant had already commissioned technical studies in a Master Environmental Servicing Plan prior to the official initiation of the Class EA. They argued that all work was to be undertaken under the umbrella of the Class EA process and documented as such. Counsel for the town argued that the proponent had to

start from scratch and examine a do nothing scenario. The applicant countered that it was entitled to rely on the fact that an official plan had been passed establishing the principle of development. The board agreed with the applicant saying that prior to the investment required to undertake and complete an Integrated Approach, baseline studies, which at a minimum demonstrate the feasibility of a project, are prudent and do not fly in the face of the process.

The applicant demonstrated to the board that although the Class EA was initiated after the Master Environmental Servicing Plan had begun, the MESP combined with the *Planning Act* applications formed the basis for the problem identification, which is Phase I of the Class EA process. The subsequent phases assessed the alternative methods for servicing the development, as well as the technologies. The focus was the private communal sewage and water servicing system that would be required to service the residential subdivision, the clubhouse and the golf course. The board opined that it is reasonable for a private sector proponent to undertake studies to determine if further investment in a project is warranted.

“The MESP served as the appropriate background study which supported [the] applications under the *Planning Act*, an approach that is anticipated and in fact suggested under Phase 1 of the Municipal Class EA process,” the board wrote in its decision<sup>3</sup>.

The board determined the Integrated Approach had been satisfactorily undertaken.

From a legal perspective, it is important to note that the board did not technically approve the Class EA. It simply acknowledged that the proponent had “met the intent<sup>4</sup>” of section A.2.9 of the Municipal Class EA parent document. The *Planning Act* applications, on the other hand, were approved by the board subject to certain conditions. The

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board's role was to adjudicate the matter on the basis of the correctness of the process with respect to the Class EA and not the details of a process that is already pre-approved by the Minister of the Environment.

Now that a precedent has been set with respect to the Integrated Approach, will more private sector proponents use it?

The cons of the Integrated Approach are significant in terms of up-front expenditures of money and time. When the Class EA and *Planning Act* applications are undertaken concurrently, the costs to a private sector applicant can be astronomical—as they were in this case. However, the applicant recognized that some efficiency can be expected when disciplines are forced to work together simultaneously rather than in a discontinuous fashion. The largest cost and greatest risk when using the Integrated Approach comes with an appeal to the OMB, as this can increase the up-front investment and provide no guarantee that the project will come to fruition. An appeal also slows down the Integrated Approach with a hearing, whereas when using the traditional approach, an appeal of the *Planning Act* process does not necessarily tie up the advancement of a Class EA.

On the pro side, committing to a comprehensive approach forces all disciplines to work together and can lead to an improved result and efficiencies in engineering, architecture and design. For instance, the level of design, which was to have been preliminary at the planning stage, was so advanced by the time the Aurora case was presented to the board that the detailed design effort will be significantly less than normal. Also, the collaboration among experts in the Aurora case resulted in a golf course irrigation system that was based on a

combination of stormwater retention ponds as well as wastewater effluent, thereby negating the need for well water to irrigate the golf course. The resulting collaborative effort elevated the preferred alternative and minimized its impacts on the natural environment.

The use of the Integrated Approach enriched the outcome of the Aurora case, although the process to get to that outcome was long, gruelling and expensive. Whether the Aurora case will inspire future private sector projects remains to be seen.

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#### ENDNOTES

- <sup>1</sup> Municipal Class Environmental Assessment, Municipal Engineers Association. October 2000, as amended in 2007. In August 2011 the Minister of the Environment approved further amendments to the A.2.9 process as described in the Municipal Class EA parent document to encourage its use.
- <sup>2</sup> O.M.B.D. No. 278, April 14, 2011. Case No. PL030997 (PL090266, PL080014, PL090257).
- <sup>3</sup> *Ibid.*, p. 18.
- <sup>4</sup> *Ibid.*, p. 32.

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# The elimination of natural heritage features

By Gord Miller

**R**oughly three-quarters of southern Ontario's woodlands and wetlands have been destroyed since the beginning of the 19<sup>th</sup> century. And many of these natural heritage features have been quietly lost due to legal loopholes.

Natural heritage features are being destroyed, for example, as farmlands are prepped for subdivisions and aggregate operations under the guise of "normal farm practice." Farmers have frequently been the diligent stewards of these natural heritage features for generations, only to have them lost after the family farm is sold to a third-party. The extent to which this practice is occurring is impossible to quantify—any given case may unfold over years and there is limited monitoring of woodlands and wetlands—but this concern has been brought to the attention of the Environmental Commissioner of Ontario on numerous occasions.

By eliminating natural features as part of agricultural operations, farmland becomes a blank slate with fewer restrictions that is easier to switch to another land use. It is done with the aim of anticipating and circumventing subsequent approvals processes, such as those under the *Planning Act* or the *Aggregate Resources Act*, which may have otherwise afforded some protections to these ecological features.

This practice of destroying natural heritage features can occur years before a farm is sold for development or after it is sold, but prior to the proposed re-zoning of the land and submission of a proposed site plan. At face value, it may appear that a farmer or tenant farmer is simply expanding the size of their fields by cutting down trees, for example, which they are entitled to do as a "normal farm practice." In reality, the land is being deliberately prepped for development by denuding it of ecological features.

The few municipalities that have uncovered this practice have largely been unsuccessful in resolving this perceived abuse of the planning system. For example, municipalities are rightfully hesitant to apply for a hearing before the Normal Farm Practices Protection Board in an attempt to enforce tree-cutting or woodlot conservation by-laws. The perception exists that a public ruling by the board supporting tree removal as a normal farm practice may

have significant local repercussions that would encourage other landowners to destroy natural heritage features. In a limited number of cases, the municipality opts for mediation, instead of a hearing, in which a private agreement is reached to settle the matter and the details are not made public.

Ontario's planning system recognizes that woodlands and wetlands are important natural heritage features that merit protection. The *Provincial Policy Statement, 2005* establishes their protection as a provincial interest by not permitting development or site alteration to occur in woodlands and wetlands that are determined to be provincially significant. Additionally, municipalities are empowered to pass tree-cutting by-laws and conservation authorities can regulate proposed development in and around wetlands.

However, agricultural activities are protected through many public policy privileges granted by the Ontario legislature. For example, municipal tree-cutting by-laws are not allowed to restrict a normal farm practice carried on as part of an agricultural operation, nor do the natural heritage protections of the *Provincial Policy Statement* limit the ability of existing agricultural uses to continue. It is the responsibility of the Ministry of Agriculture, Food and Rural Affairs to ensure that such privileges are not abused.

It is unreasonable to allow the destruction of natural heritage features to occur under the myth that prepping the land for development is a normal farm practice. The Environmental Commissioner of Ontario encourages the Ministry of Agriculture, Food and Rural Affairs to consult the public on new guidelines that clarify the relationship between normal farm practices and the conservation of natural heritages features.

*Gord Miller is the Environmental Commissioner of Ontario. This article has been modified from its original form, which was presented to the Legislative Assembly of Ontario in the 2010/2011 Annual Report of the Environmental Commissioner of Ontario.*



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# Amendments made easy

By Janet Amos

In August 2011 amendments to the Municipal Class Environmental Assessment were approved by the Minister of the Environment following a year of discussion involving stakeholders such as municipalities, the Building Industry and Land Development association, OPPI and others. The class EA project schedules were revised and the integrated approach, which permits municipal infrastructure projects requiring approvals under the Municipal Class EA to be planned as part of comprehensive land development approvals processes under the *Planning Act*, was clarified.

The revised class EA provides an important signal from the Ministry of the Environment and Ministry of Municipal Affairs and Housing that they recognize and encourage the desirability of coordinating the planning processes and approvals under the *Environmental Assessment Act* and the *Planning Act* with the caveat that the intent and requirements of both acts must be met.

Integration of *Planning Act* applications may be carried out where a municipality or private sector developer is preparing an official plan, official plan amendment (e.g., secondary plans), community improvement plan, plan of subdivision and or a plan of condominium and related infrastructure. It is anticipated that meeting the requirements for environmental assessment and land use planning processes at the same time will result in streamlining of the proponent's efforts and more effectively meeting the requirements of both the *Planning Act* and *Environmental Assessment Act*.

Here is a short primer on what has changed in the Municipal Class EA and some pointers on how to grow your expertise by using easily accessible web-based tools.

## Changes to the Municipal Class EA schedules

Amendments were made to 26 Class EA project schedules, mainly to reduce or eliminate Class EA process requirements for specific projects. The projects that were amended are recognized for the localized nature of their impacts or are otherwise confirmed through provisions already found in other environmental approvals processes such as a certificate of approval (now an Environmental Compliance Approval) by the Ministry of the Environment. Examples of the downgrading to the schedules include: roadside parks, culverts, replacements to bridges which have no cultural heritage value, and patrol or maintenance yards.

The new schedules are found at [www.municipalclassea.ca](http://www.municipalclassea.ca) under amendments tab. These schedules must now be consulted before selecting the most appropriate project classification. The Municipal Engineers Association, which authored the Municipal Class EA, also provides on-line training to familiarize users with the new schedules under the training tab.

## Changes to the integrated approach

Since 2000, the Class EA has provided an innovative approach to combining Class EA approvals for municipal infrastructure projects with development proposals, which fulfill the requirements of the *Planning Act*. This integrated approach was rewritten as part of the environment minister's amendments in August (Section A.2.9) and can also be found at [www.municipalclassea.ca](http://www.municipalclassea.ca).

The revised integrated approach deals with how and when a proponent may streamline planning by integrating the studies and public meetings needed to address the Class EA with steps in the *Planning Act*. For example, the preparation of a Transportation Master Plan can be combined with the planning process for a Secondary Plan. In accordance with the integrated approach as set out in the Class EA, a proponent may combine the notices, meetings, documents and approval timelines for both processes. In addition a proponent may use the materials developed for the transportation project with those for the secondary plan instead of completing the *Planning Act* and Class EA steps sequentially. Such an integrated approach could save time and costs as well as present a more comprehensive strategy for growth and infrastructure to the public, affected stakeholders and agencies.

In the previous version of the integrated approach a proponent could take all the infrastructure and land use applications to council or any other *Planning Act* approval authority (e.g., Ontario Municipal Board) for approval. Once approved, the infrastructure project would be pre-approved under the Municipal Class EA. This is no longer the case. The revised integrated approach calls for a two-part notification process at the completion of the studies—a *Planning Act* approval and a Notice of Study Completion for the infrastructure. The goal, according to the Class EA is to “avoid duplication and ensure improved environmental protection.”

In the March/April 2011 *Ontario Planning Journal* (“Streamlining: can planners and engineers integrate environmental assessment?”), I highlighted a series of anticipated changes to the integrated approach that were contemplated during the development of the amendment and observed some issues that could occur with each. These changes have been approved as highlighted below:

- project following the integrated approach is no longer classified as Schedule A project (pre-approved); instead proponents are encouraged to consider combining the Class EA and land use planning processes.
- proponent may change during the preparation of the Class EA Study. For example, a municipality may initiate a Transportation Master Plan for Phases 1 and 2 of a group

of projects and a private sector developer may complete the Class EA Study for Phases 3 and 4 using the integrated approach.

- Off-site infrastructure may be planned under an integrated approach where it is directly related to the *Planning Act* application.
- Notice provisions are changed to require a 30-day public review period advertised in either a stand-alone Class EA Study Notice of Study Completion or a combined Class EA project and *Planning Act* application notice.
- Public meetings for an integrated approach must address both the Class EA and *Planning Act* requirements for a public meeting.
- The amendment states, "Municipalities should not avoid their *EA Act* requirements through the use of conditions on a *Planning Act* approval where the appropriate proponent for the work is the municipality."

Time will determine how these revisions are received and used. Whether these clarifications will guide and support the increased use of the integrated approach and whether there is an increase in the potential for requests for a Part II Order is unknown.

Short online courses are available at [www.municipalclassea.ca](http://www.municipalclassea.ca) and include an Introduction to Municipal Class EA, an Overview of the Amendments and Master Planning. Future training modules are planned to address Part II Order Requests, Heritage Bridges, Integration with the *Planning Act*, Aboriginal Consultation and Proponents for the Municipal Class EA.

### Next steps

Land development professionals need to continue to update themselves about these changes to the *Municipal Class EA*. The next time someone suggests that your infrastructure project requires compliance with the *Municipal Class EA* ensure that you are looking at the updated revisions and consider whether there will be a benefit by combining your infrastructure and land use planning processes.

To date there is no consolidated *Municipal Class EA* document available. One of the best ways to prepare for these revisions is to organize your own Municipal Class EA background package. A thorough Municipal Class EA toolkit should include:

- Municipal Class EA, 2000, as amended 2007 (available for purchase online or by mail from [www.municipalengineers.ca](http://www.municipalengineers.ca)

- Amendments to the Municipal Class EA dated March 12, 2010 and August 17, 2011 (available free of charge on [www.municipalclassea.ca](http://www.municipalclassea.ca))
- Clarifications and updates to the Municipal Class EA (10 available free of charge at [www.municipalclassea.ca](http://www.municipalclassea.ca))
- Ontario Regulation 345/93 (private sector developer designation per the *Environmental Assessment Act*)
- Ontario Regulation 334 (general) to the *Environmental Assessment Act* (available on e-laws)
- Municipal Road project cost limits (available free of charge at [www.municipalclassea.ca](http://www.municipalclassea.ca))
- If you deal with transit projects, an updated transit regulations under the *Environmental Assessment Act*.

In 2011, the MEA Municipal Class EA Monitoring Committee initiated a five year review of the Class EA. You can participate by contacting your local MEA representative and watching for information on the MEA website. As a result of the review, a consolidation of the Municipal Class EA is expected to be prepared and made available for sale in 2013.

*Janet E. Amos, MCIP, RPP, principal of Amos Environment + Planning has over 25 years experience with EA processes and practices focusing on the integration of land use planning and Class EAs for municipal projects for both private and public sectors. Janet can be reached at [amos@primus.ca](mailto:amos@primus.ca).*

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# Beyond technical guidance

By Greg Pulham



Figure 3-3 B from the Natural Heritage Reference Manual

The Ministry of Natural Resources (MNR) recognizes the importance of Ontario's policy-led planning system to achieve the ministry's mandate. Accordingly, the primary purpose of the Natural Heritage Resource Manual is to provide technical guidance from the Ontario government for implementing the natural heritage policies of the *Provincial Policy Statement, 2005*. However, as the ministry worked with OPPI and other advisors to update the 1999 manual, it became evident that MNR also needed to pay attention to the design and style of the manual. The OPPI Excellence in Planning Award demonstrates that MNR has achieved its objectives for the manual beyond its primary purpose of technical guidance. The manual is available in the publications section of MNR's website ([Ontario.ca/mnr](http://Ontario.ca/mnr)).

One of MNR's objectives was to communicate technical guidance in a clear, attractive and usable form. Services of Sarah Weber (editor) and Brian Dench (design and layout) were instrumental in meeting that objective. As a result, concepts are illustrated with simple and appealing diagrams. Further, the manual functions equally well in hard copy or as a web-based document with its "quick links" index on each page and effective use of hyperlinks.

Another MNR objective, befitting a reference manual, was to educate readers about key natural heritage-related planning considerations. For example, the manual's content covers basic

concepts of natural heritage systems. An annotated research bibliography highlights recommendations for the width of adjacent lands and buffers, as well as providing an extensive list of references to enable users to pursue further information on natural heritage topics.

The manual also contains educational components that provide insights into why particular natural heritage resources need to be protected, what the policies are meant to address and the value of protecting and conserving natural heritage systems, features and areas. For example, "woodland cover can play a significant role in mitigating episodes of poor air quality that may occur during periods of high ozone levels in the summer months."

MNR would like to specifically acknowledge the contributions of OPPI. When MNR asked OPPI to help recruit focus group volunteers, many members stepped forward. As a result excellent recommendations for improvements to the document were made. In addition observations by OPPI members highlighted areas where MNR's support for municipal planning overall was in need of improvement. In response, MNR is currently working internally to identify how it can improve the fitness and accessibility of its data for municipal planning.

In *Planning for a Sustainable GTA (Ontario Planning Journal, Vol 26, No. 3)*, OPPI "calls upon planners, public decision makers and private sector organizations to make healthy community planning a priority." The Natural Heritage Resource Manual explicitly supports that position.

Speaking to the importance of protecting natural heritage systems, the manual notes the connection between ecosystem health and human health and states:

"To support the resource demands (e.g., food, water and shelter) of local communities, planning authorities need to maintain the ecological health of the natural environment to ensure it can withstand the stresses that present and future human populations place on it."

*Greg Pulham, MCIP, RPP, is team leader / senior policy advisor – municipal planning in the Natural Heritage, Lands and Protected Spaces Branch of the Ministry of Natural Resources. He was the staff lead for this project and can be reached at [greg.pulham@ontario.ca](mailto:greg.pulham@ontario.ca). Michael Bevan worked closely with Greg to coordinate design and editing elements.*

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# Planning local action

By Michael Halder



Michael Halder

**A**s we enter the second year of the United Nations Decade on Biodiversity, the opportunity seems ripe to take account of the recent efforts to integrate biodiversity into the land use planning process. Arguably, the opportunity is and should always be ripe to discuss biodiversity since it is what sustains us in that it "...is inextricably linked to the quality of the air we breathe, the water we drink, the soils we depend upon for our food, and the lands upon which we depend for our natural resources. It's about our rivers and lakes, our woodlots and forests, wetlands and prairies, and even the songbirds in our backyards."<sup>1</sup>

The following initiatives and actions have been taken to ensure biodiversity is better integrated with land use planning.

## Convention on Biological Diversity

At the global level, national delegates attending the Tenth Conference of the Parties to the Convention on Biological Diversity in Nagoya, Japan in October 2010, adopted the Plan of Action for Sub-national Governments, Cities and Other Local Authorities for Biodiversity. This endorsement was seen as a key victory since many, including Ahmed Djoghlaif, Executive Secretary of the United Nations Convention on Biological Diversity, have argued that biodiversity is first and foremost a local issue, and local governments are the front-line guardians of natural resources.

Among other items, the plan aims to provide national governments with opportunities to work together with sub-national governments, cities, and other local authorities on biodiversity strategies and action plans through capacity building and the dissemination of best practices. More specifically, the plan encourages national governments to engage and link local authorities with new and innovative financial mechanisms, explore environmental fiscal reforms, including innovative tax allocation models and fiscal incentives, earmark national budgetary allocations and re-prioritize existing allocations to engage local authorities on local action for biodiversity.<sup>2</sup>

## Local action for biodiversity

One of the key coordinators implementing the convention is ICLEI - Local Governments for Sustainability, an international association of local governments, and local government organizations that have made a commitment to sustainable development. ICLEI's Local Action for Biodiversity Program (LAB) focuses on exploring the best ways for local governments to engage in urban biodiversity conservation, enhancement, utilization and management. The project aims to facilitate understanding, communication and support among decision-makers, citizens and other stakeholders regarding urban biodiversity issues and the need for local action. It emphasizes the integration of biodiversity considerations into planning and decision-making processes. Some of the specific goals of the project include demonstrating best practice urban biodiversity management and implementation tools, sourcing funding from national and international agencies for

biodiversity-related projects and increasing global awareness of the importance of biodiversity at the local level.<sup>3</sup> A number of municipalities around the world have successfully participated in the LAB program, the key outcome being a long-term biodiversity strategy and action plan.

One of the first participating municipalities in the LAB program was the City of Edmonton. In July 2011, the city adopted its new environmental strategic plan, *The Way We Green*, which sets out goals and objectives the city must achieve over the next 30 years to make it more environmentally sustainable and resilient.<sup>4</sup> This approach, integrating biodiversity into planning processes and decision-making, is consistent with the Ontario Environmental Commissioner's call for biodiversity to be integrated government-wide instead of compartmentalized into a single government ministry.<sup>5</sup> After all, the challenge of biodiversity, as commissioner Gord Miller argues, is not much different than addressing climate change, which demands much broader engagement.

## City Biodiversity Index

As with any public policy issue, one cannot manage what one does not measure. To this end, municipalities and environmental planners might consider utilizing the City Biodiversity Index (CBI), also known as the Singapore Index, a self-assessment tool for cities to monitor and evaluate their biodiversity. This global index was formulated by experts in consultation with cities around the world. It consists of 23 indicators, which result in an overall score for the city that can be monitored over time. Indicators are grouped under three sub-headings: native biodiversity, ecosystem services, and governance and management.<sup>6</sup>

According to ICLEI, these indicators continue to be developed and adjusted based on the experiences of the cities that have already tested them<sup>7</sup> including Edmonton and Montréal. In fact, more cities are being sought to test the index<sup>8</sup> in which case it might be worthwhile for suburban municipalities to contact ICLEI's Cities Biodiversity Centre to express their interest in testing the iIndex's usefulness in the suburban context.

## Ontario Biodiversity Strategy

In the Ontario context, the Ministry of Natural Resources, in partnership with the Ontario Biodiversity Council, released Ontario's Biodiversity Strategy in June 2011. In this revised and comprehensive strategy there is a clearer recognition of the importance of urban biodiversity and conservation actions than was previously the case. The strategy lists a number of key actions that can be taken. These include, "develop and implement urban biodiversity and green infrastructure strategies for Ontario's cities and towns, integrate biodiversity values in growth management plans, and adopt landscape conservation planning and comprehensive land use planning approaches at all scales."<sup>9</sup>

While MNR does not have the clear mandate to regulate municipalities to develop urban biodiversity and green



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infrastructure strategies, it can influence decisions by providing sound evidence for policy decisions, collaborating with other ministries, such as Municipal Affairs and Housing, and establishing partnerships with non-governmental organizations with similar goals and interests. While this strategy is a starting point, it lacks the legislative strength to compel implementation and enforcement.

*Michael Halder, MES (Pl), is a York University graduate whose major research focused on urban biodiversity. He can be reached at michael\_halder@hotmail.com.*

ENDNOTES

- 1 Miller, G. 2010. A compartmentalized approach to biodiversity will not do. Ontario Planning Journal, 25(2): p. 18.
- 2 Convention on Biological Diversity Secretariat. 2010. *COP 10 Outcomes: Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity*. Available: <http://www.cbd.int/nagoya/outcomes/>.
- 3 ICLEI-Local Governments for Sustainability. No date. *Local Action for Biodiversity*. Available: <http://www.iclei.org/index.php?id=6238>.
- 4 ICLEI-Local Governments for Sustainability. 2011. City of Edmonton entrenches Convention on Biological Diversity in its environmental strategic plan. Available: <http://www.iclei.org/index.php?id=12426>.
- 5 Miller, G. 2010. A compartmentalized approach to biodiversity will not do. Ontario Planning Journal, 25(2): 18.
- 6 ICLEI-Local Governments for Sustainability. 2011. 3<sup>rd</sup> Expert Workshop on the Development of the City Biodiversity Index. Available: <http://www.iclei.org/index.php?id=12482>.
- 7 Ibid.
- 8 Ibid.
- 9 Ontario Biodiversity Council. 2011. Ontario Biodiversity Strategy. Available: <http://viewer.zmags.com/publication/c527c66f/c527c66f/56>. p. 48.



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## OAK RIDGES DISTRICT



### Planners at the OMB

## Things to consider

By Steve Gaunt

**O**ak Ridges District hosted a dine-and-learn evening in Brampton on November 3<sup>rd</sup>, 2011. The 75 attendees dined on fine Italian fare and listened to advice from two key note speakers on what planners need to consider when appearing before the Ontario Municipal Board.

Oak Ridges District Executive Committee chair and Town of Whitby planning director Bob Short, gave a warm welcome and introduced the two highly respected speakers: Solicitor Andrew Biggart and City of Burlington planning director and former OMB member Bruce Krushelnicki.

Biggart, a regular OMB litigant on behalf of a broad range of municipal and private clients, categorized planners' approaches to OMB attendance into the following typology. Planners who avoid the board at all costs, those who repeatedly seek it out as a true test of competence and the rest who strive to display competence and win their cases at only a few board hearings over their careers.

Providing a lawyer's perspective of what planners, as expert witnesses, need to know about preparing witness statements, Biggart listed what needed to be included. He said they must incorporate the planner's qualification and role in the application, any reports the expert has prepared, and any documents used in arriving at a conclusion. As well they must outline opinions and reasoning on all relevant issues, including any set out in a procedural order of the board, the planner's conclusions of what the board should decide and any

alternative positions that could be supportable. Additionally the planner should expect to prepare a reply witness statement to respond to opposing expert witness testimony/opinions and to advise his/her lawyer of any error or omission in the witness statement as early as possible, if necessary.

Biggart provided a number of cautions planners should keep in mind when preparing and presenting evidence. These included never overstating a planning opinion by using superlative adjectives as this is a red flag for the cross-examining lawyer to make you regret your words and keeping in mind that the witness statement is the expert's statement, not the lawyer's so the planner should only agree to revisions with which he/she agrees. During testimony, be careful to use the witness statement as an aid, not as a script and be aware that any notes you use on the stand can be demanded by the cross-examining lawyer, so be prepared to share them.

Krushelnicki presented exceptional pointers on how planners should approach witness statements for the OMB. He characterized the board as a 'passion play' for the planners, lawyers and others to present their case to the board member(s). The planner should, briefly and with clarity, tell the story of what happened and why, provide the chronology and opinions so that the board can make the best possible decision in the public interest. He also cautioned planners to take great care to prepare all their original reports well enough to successfully stand up to cross-examination, to help minimize the need for rationalization of issues and new information at the board hearing.

The attendance was very gratifying to the district committee in its efforts

to provide topics of interest to planners from all parts of the district. The Oak Ridges District encompasses Durham, York and Peel regions, and this event attracted significant attendance from planners in the western part of the district for the first time. The format of the event and the quality of the speakers provided an excellent opportunity to obtain expert coaching in a pleasant setting at affordable cost, as well as the chance to meet and network with old and new colleagues.

*Steve Gaunt, MCIP, RPP, is a principal policy planner at the City of Pickering and a member of both the Oak Ridges District executive committee and the OPPI Professional Practice and Development Committee.*

## TORONTO DISTRICT

### A year in review

## Connections

By David Oikawa and Ryan Guetter

**T**he Toronto District is the largest OPPI District based on membership and in 2011 our volunteers provided a number of successful programs, focusing on mentoring, professional development and networking.



David Oikawa

### Tall buildings study

The year's events started off with a program event on the City of Toronto's Tall Buildings Downtown Study. Urban Strategies' Frank Lewinberg, Hariri Pontarini Architects' David Pontarini, and City of Toronto planner Helen Bulat

provided an insightful presentation on their study. For more information on the study go to [www.toronto.ca/planning/tallbuildingstudy.htm#video](http://www.toronto.ca/planning/tallbuildingstudy.htm#video)

### Student networking

The Toronto District contains the Ryerson University, University of Toronto and York University planning schools. Our annual student networking event was held in March at a local art gallery. Guest speakers Toronto and Region Conservation Authority's Chris Jones, City of Toronto planner Giulio Cescato and MMM's Greg Bender explained how they started their planning careers and what led them to their current positions. They also provided insights into professionalism and the importance of OPPI membership.

Although we had a great response from the students, we hope to have more practicing planners attend our 2012 event. This is a great mentoring opportunity and students really benefit from being able to ask practicing planners questions.

### PATH system

In June, city planners' Al Rezoski and James Parakh led a walking tour of Toronto's underground PATH system. The tour guides explained the history of PATH and provided great examples of issues in creating extensions and the challenges of planning for a future PATH expansion. Toronto city planners report that it is the most requested tour by planning delegations who visit the city, which is not surprising given it is the largest in the world.

### OPPI anniversary

2011 marked OPPI's 25th anniversary. The Toronto District, led by Justine Giancola, celebrated the event with an evening of socializing and reflection. The evening featured three speakers who provided their thoughts on the past 25 years of planning in Toronto:

Bryan Tuckey, (MHBC) spoke about North York and its transformation from a suburb into the city's urban fabric. In particular, he provided an insightful history of the planning and realization of the North York Centre.

Toronto planner Gregg Lintern provided a thought provoking and entertaining presentation on planners influencing change in the past 25 years in Toronto.

Leslie Woo (Metrolinx) presented a regional context for the future of transportation systems in the GTA.

### World Town Planning Day

To celebrate World Town Planning Day in November, Toronto District Volunteers led by Ryan Guetter, conducted our second annual two-day charette with local high school students to explore planning issues around the community. The students were encouraged to think critically and constructively about their community and were asked to prepare a community plan for their neighbourhood. All participants learned a lot from the experience and we are pleased with the momentum and interest this program is generating. We hope to expand this to other Toronto high schools in the future and would welcome volunteers to assist.

### Winter social

Finally, the year ended with the Winter Social led by Diana Mercier. For the second year in a row, the venue was the CN tower, which was a spectacular place to view many of the developments to which our members have contributed. The generous sponsors of our event provided images of key projects in the city, which were the highlight of the

evening. The breadth and variety of the projects was impressive and everyone involved was very proud of their accomplishments.

For more information about any of our events and past programs, please contact David Oikawa or Ryan Guetter.

*David Oikawa, MCIP, RPP, is the Toronto District Representative for OPPI Council. He is a Manager in the City of Toronto's Planning Division. He can be reached at [doikawa@toronto.ca](mailto:doikawa@toronto.ca) or 416.392.7188. Ryan Guetter, MCIP, RPP, is a vice president at Weston Consulting Group Inc. and can be reached at [rguetter@westonconsulting.com](mailto:rguetter@westonconsulting.com) or 905.738.8080.*

### PEOPLE

University of Toronto lecturer **Charles Hostovsky**, PhD, MCIP, RPP, has been recognized by Canada Mortgage and Housing Corporation with a 2011 Excellence in Education Award for Promotion of Sustainable Practices. CMHC notes the award "recognizes educators who have integrated sustainable concepts in housing and community development into the academic curriculum. The award is intended to recognize and support higher standards in sustainable education and to highlight the importance of sustainable practices within communities."



### OBITUARY

**Hugh Lemon**, FCIP, (1927 – 2011) was trained in land surveying and city planning and began his professional career working for the Hamilton Wentworth Planning Board. Later he moved to the Metropolitan Toronto Board of Trade where he served for 15 years. Subsequently, Lemon moved to the University of Waterloo, serving as professional liaison officer for the School of Urban and Regional Planning. During that time, and for more than 15 years, he also served as secretary treasurer of the Town Planning Institute of Canada, which became the Canadian Institute of Planners.

Lemon was awarded the National Centennial Medal in 1967 for his outstanding contribution to City Planning in Canada and was inducted as a Fellow of the Canadian Institute of Planners in 1977.



## Sustainability

# Local solutions

By Shirley Crockett

The first time I wrote about farmer-graziers issues in Cameroon for the OPPI Journal was in 2007. A solution I proposed at that time included circumventing the government [corrupt] court system and instead relying on the locally elected council officials. In response to the issues of ever shrinking grazing land and the need for more food cultivation, I introduced the concept of supply and demand (farmers feeding the graziers cattle for a prearranged price). Since then I learned that the elected council could not rule on farmer-grazier issues but that the Traditional Council (based on a village's tribal hierarchy) could.

In the spring of 2011, I was undertaking a sixth CESO assignment in Cameroon for the subdivision of Belo in the northwest region. In discussions with the village head of Mbingo, (one of 27 villages within the subdivision) the farmer-graziers issue resurfaced. I have not been faced with farmer-grazier issues again until now. Deliberate vandalism had occurred between two Fulani families. (Fulanis are normally graziers.) One of the families was farming and the other was grazing. The shepherd who worked for the cattle owner deliberately cut the farmer's fence and allowed the cattle to wander at will. And it was several days before anyone noticed since the farms are quite far from where people live. The destruction was considerable and expensive. It was the first time that something like this had happened in this village between two Muslim families.

In 2010 the Mbingo Traditional Council had created a draft manifesto on how to deal with farmer-graziers issues. All the participating indigenous groups had signed it. As per their role, they proposed a compromise solution (one side said the destruction was worth 2-million CFAs (\$4,000 CDN) and the cattle owner said she would pay 80,000 CFAs (\$160 CDN), so the Traditional Council picked a number in the middle but still no agreement was reached. The dispute was then sent to the higher court. This is where the usual corruption issues arise with the richer cattle owner bribing the authorities for a favourable decision.

During this period I was invited to return to the Traditional Council and give some feedback on its manifesto. They were fed up with the court system and wanted to make a difference at their level. The main weakness was in the last clause. If the issue could not be resolved "traditionally," it would revert back to the existing system (i.e., a referral to a higher court for a decision).

In my role of conciliator/volunteer advisor, I tweaked the document by adding some key clauses such as having the Muslim community represented on the Traditional Council (they have always been invited but have never accepted the invitation) and admitting in writing that the court system has continually failed the farmers and graziers. I also introduced a clause suggesting a system for predetermining the value of crops at the beginning of the growing season and having it recorded in the Traditional Council, so that in the event of

damage everyone knows the value. A clause was added whereby the Traditional Council could invite experts such as the Lord Mayor, for example, to give them special advice from time to time and the offending last clause was removed and replaced with "all signatories to this document agree to abide by the decision of the Traditional Council."

I gave a short presentation going over the proposed additions and deletions, answered a few pertinent questions and then all the participants present signed. We left and the Traditional Council continued with its agenda, which included several farmer-grazier issues.

A few days later I telephoned the author of the initial manifesto and asked him how the deliberations had gone and if the revised document had helped. He was very excited and said that everyone had been happy with the decisions taken. Good news indeed.

Several weeks later, the higher court ruled that the Fulani plaintiffs should return to the Mbingo Traditional Council and abide by its decision. More welcome news.

Within the subdivision there are four other villages that are affected by farmer-grazier issues. They are Baingo, Njinikijem, Afua and Ngemsiba. Their issues were similar and all centred on misunderstandings and ignorance.

After thousands of years the Fulani grazier way of life must change and adapt. They are very slowly coming to terms with the issues of increasing population and the ensuing food production needs, all resulting in a diminished supply of arable land.

Everything that we do in developing countries, as town planners, as volunteer advisers with CESO, should be sustainable. No arguments there, but the reality doesn't always allow for such things. But in this case I think it can be done.

With the financial support of the Lord Mayor (an allowance to pay for a motorcycle taxi) the manifestos author has been persuaded to become a farmer-grazier ambassador. Utilizing a generic manifesto model I created based on the Mbingo initiative, he will visit the remaining four villages to sensitize the Traditional Councils on their roles as adjudicators. He is a local Kom (tribe) member, understands the issues and is the perfect advocate.

Sustainable indeed.

*Shirley Crockett MCIP, RPP, travels with her husband and partner Alan Buck, PEng, and they have been volunteer advisors for CESO since 1995.*

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

# Rebuilding after a tornado

By Tracey Pillon-Abbs

“It was a dark and stormy night”... that is a sentence that has been called the worst opening to a novel ever, but there doesn’t seem to be a better way to describe the late hours of June 5th and the early hours of June 6th to the residents of Essex County. The most southerly municipalities in Canada had been watching the weather more closely, as a number of severe thunderstorms and funnel cloud sightings had rocked the normally quiet area over the preceding weeks. People were watching, hoping their luck would hold out, silently praying they would be spared the wrath of one of nature’s most feared storms. Unfortunately, luck and prayers could not help, as shortly after 3:00 a.m. on June 6, 2010 an F1/F2 tornado struck the western boundary of the Municipality of Leamington with 30,000 residents fast asleep and made its way along the edge of Lake Erie to the eastern boundary.

Police and fire services were dispatched immediately and encountered heavy debris and impassable roads. Site commands were set up and the request was made to activate the municipal emergency plan. Members of the Emergency Operation Centre reported immediately. Calls continued to 6:30 a.m. reporting minor injuries, people trapped, fires, gas leaks, downed hydro wires, trees on buildings, tree limbs down, no hydro and damaged property. Despite all these calls, traffic control was actually the biggest challenge. There was a great deal of difficulty controlling people, most not from the affected area, but rather people trying to view the damage. We are not sure who coined the phrase, but the term “tornado tourism” was used to describe the gawkers. Especially since the sun came out and made it the perfect day for Sunday drivers, walkers, cyclist and beach goers. This made it very difficult for responders such as hydro, gas, public works, roofing companies, insurance representatives, etc., to access the area. Even emergency supplies were delayed as a result of the interference of the “tornado tourists.” It took about three weeks to finally clear the barricades and police traffic control.

As set out in the emergency plan and practiced during emergency table top exercises, the Planning and Building Departments normally won’t get involved until well after the incident, mainly as part of the re-build. But in this case, one of their immediate roles was to send inspectors to the storm-damaged area to assess each affected dwelling and accessory structures to determine if they could be occupied. If they were not, the inspector posted an order on site. This was very helpful as people were still in shock and they hadn’t even realized that they would not be able to go back to their homes that evening. The data was also used to analyze the damage.

Over the next year, residents came forward with building permits to rebuild. This was an unexpected windfall for the 2010 municipal budget. The greatest challenge was ensuring that the structures were

on the existing footing to allow for the legal non-complying setbacks. In many cases there was no evidence, survey or otherwise, to confirm the previous location of the structure. In some cases, if the owner was proposing to improve the site conditions, a setback that was ‘closer in compliance’ with the zoning by-law was permitted without an application to the committee of adjustment. However, as soon as home owners were taking advantage of the opportunity to build something that was bigger than they had (usually only relying on air photos) then they had to comply with the existing zoning by-law in place (this was an internal policy). There were some greenhouses that were under site plan control approval and were allowed to re-build without having to re-enter into a new agreement. No commercial or industrial lands were affected.

There was an estimated \$85-million in damage from the tornado. Insurance covered most of the damaged properties, 4,750 home and auto claims. For any damage that was not covered by insurance,

funding was provided by the provincial and federal governments. This funding was administered by the Municipality of Leamington.

The municipality also suffered significant damage to the waterfront parks, beach and marina. This included the loss of docks, trees, fences, patio, decking, signage, and play structures. Government funding also aided in the re-building of these properties.

While the damage incurred

by the tornado was significant, we must remember that the municipality was very fortunate that there was only loss of property and no loss of life. As a result of our good fortune in that regard, we can look at the silver lining in those thunderstorm clouds. We can see some positive benefits from this small disaster. Building permit revenues were up, jobs were created as a result of the clean up and rebuilding efforts, tourism increased, views of the lake were improved, neighbours came together to assist each other building strength in the community, the waterfront parks got a facelift, new tree stock was planted, new tree carvings and new play structures.

Even though the tornado in Leamington was a traumatic experience for the town and its residents, it illustrates our ability to enact the procedures put in place by the Emergency Operation Centre and the resilience of the town and its residents to take a negative situation and turn it to the municipality’s benefit.

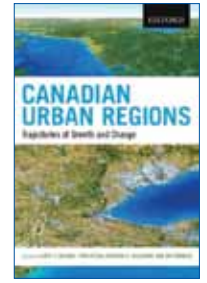
*Tracey Pillon-Abbs, BES, MCIP, RPP, is development services director for the Municipality of Leamington. She has been with the municipality for 12 years, is responsible for fire, building and planning services and can be reached at [tpillon-abbs@leamington.ca](mailto:tpillon-abbs@leamington.ca).*



Tornado path—35 km long and 2 km wide

In Print

# Canadian Urban Regions: Trajectories of Growth and Change



Edited by Larry S. Bourne, Tom Hutton,  
Richard G. Shearmur and Jim Simmons  
Oxford University Press, 2011, 366 pages

Review by Dave Aston, contributing editor

**C**anadian Urban Regions is a compilation of research papers published to address national issues, including public policy challenges and other research questions. The theme of the book is urban transformation in Canada beyond the post-industrial city. It focuses on the processes shaping growth and the increasingly central role of major cities in the economic, social, cultural and political life of Canada.

The book is divided into two parts: Dynamics of Change in the Canadian Urban System; and Case Studies: Canada's Power Metropolises. While focused on employment, labour market and occupational trends as critical measures of economic growth and change, related matters were analyzed as components of urban transformation. These include land use and urban structure, transportation choice, social class and identity and equity issues.

Part I offers an introduction and overview of growth and change in Canadian cities, examines urban systems and looks at Canadian cities in a global context. Chapter 5 in particular describes the way in which space and economy is changing in and around Canada's city-regions.

Part II links the thematic analyses in Part I with examples of the processes of urban growth and change operating within the individual Canadian cities—Calgary, Ottawa, Vancouver, Montreal, Toronto CMA. The authors of each chapter choose varied approaches to assess, characterize and understand the diverse trajectories of urban growth in each of the cities and in Canada as a whole. Although there are common indicators—population growth, employment structure, occupational change, governance issues and public policy initiatives—each chapter provides region-focused findings on aspects of change and drivers of growth.

Concluding that Canadian cities remain distinct, the book offers a number of generalizations drawn from the analysis and frames questions concerning the economic future of Canadian cities.

The book would appeal to a range of interests including those of students, scholars and policy makers studying Canadian cities. Canadian Urban Regions is a blend of social sciences and humanities, comprising regional science, economic geography and urban studies.

*David Aston, MSc, MCIP, RPP, is a partner with MHBC in the Kitchener office. If you are interested in completing a book review please contact him at [daston@mhbcplan.com](mailto:daston@mhbcplan.com).*

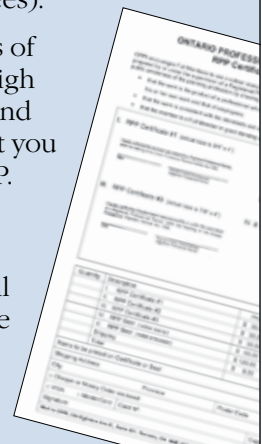
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## **NEW** Social Media & Contemporary Technology

Each issue of OPJ will now have a new feature focused on social media and contemporary technology. These articles will go beyond simply informing planners about the latest trend, gadget or website. Instead, authors Brent Bullough, MCIP, RPP, and Robert Voigt, MCIP, RPP, will be providing readers the kind of insights and explorations that will help them form their own visions of how to adapt their professional practices in an evolving technological world. With their two distinct perspectives Brent and Robert intend to write articles that will range from topical to theoretical and apply to planners as well as the clients, organizations and communities they work with.

Robert is a planner, artist and blogger. He has been pioneering the use of social media and technology for a number of years, and has been influencing change in these areas for many professionals and organizations. Brent is an environmental planner and public consultation specialist at Dillon Consulting Limited. He has been exploring the methods and impacts of social media and changing communication strategies on planning.

### Social Media Waters

## Taking the plunge

By Robert Voigt, contributing editor

**L**eaping into the pool of contemporary technology and social media may be frightening, can be an exciting and effective way of building success, and is inevitable. So what are planners waiting for?

Careful preparation, combined with existing skills, can take your online efforts well beyond simple publishing and editorials, helping build your organizational assets, improving management, increasing project success, and making your planning practice more creative and fun! In 2007 I took my planning work and dove head first into uncharted social media waters and have been working at it ever since. The results have been equally as successful as they have been enjoyable.

Taking well grounded historic knowledge and methods to examine issues, generate solutions, and communicate with citizens is one of planning's most significant strengths. Unfortunately, in today's world this is also acting as a limiting inertia, keeping us from exploring the use of contemporary technology and social media. Simple online searches for planners, municipalities, and developers that have integrated these tools into their work will reveal relatively short lists; fewer still have well defined integrated strategies for these tools. Finally, those that are exploring new ways of doing planning with these tools, by rethinking what is possible, are quite rare. Planning is an inherently future-oriented profession, yet in terms of integrating new technologies and adapting communication techniques through the use of social media and other online tools, we are not leading but continuing to fall behind.

### Be the change

2007 represented a crossroads for my career. I was growing increasingly frustrated with what appeared to be an endless stream of problems with the way planning was done, including: miscommunications, lack of community interest or engagement, poorly facilitated discussions, excessive segregation between

planning organizations and an overall system that lacked a culture of creative problem solving.

Eventually I came to the "solution" of developing project specific blogs (the details of which will be explained in future articles) to tackle these challenges. When I "went live" with my initial planning blogs to test my theories, they turned out to be the first of their kind in not only Washington State where I was working, but across the U.S.A. While other municipalities had begun swimming in the pool of social media earlier, their efforts were more publishing and basic access focused. These sites were not specific to planning issues or projects and encouraged the dumping of comments about all municipal matters without any structure or strategy. By contrast, the sites I developed were designed and focused on specific projects with attention to the planning problems and challenges I mentioned earlier. In this way these sites moved away from the conduit of noise that municipal blogs predominantly were at the time, and became a new way of doing planning.

I started this work at a time when people were just beginning to examine the possibilities of web 2.0, a publicly accessible Facebook was only about year old, YouTube was two and Myspace was still king of social media. It was only a few short years ago, but the speed and magnitude of social media evolution since then is undeniably astounding. This underscores the risks of falling behind if planners do not take up the imperative of integrating social media into their work.

### What are we waiting for?

When it comes to most planning practices the tendency toward the status quo is unfortunately the reality. This is not unique to our profession and IDEO CEO Tim Brown describes it with these words: "There's a saying that every organization is optimized to achieve the results it currently gets."

It is, however, disheartening that the planning profession, which is inherently future oriented, has collectively been lagging in its understanding and implementation of social media and contemporary technology. From my experience with planners



Robert Voigt

across North America, a “professional navel gazing” has paralyzed us. Cautious apprehension, contemplation, and fear of engaging the use of these tools has far too often lead to not using them at all. To a great degree, issues of professionalism, public information, privacy and codes of conduct have been used to explain this delay. Additionally, decision makers for many organizations are putting fear of the unknown above the potential of moving forward in this area.

The uncertainty of how, why, or when to use social media must not continue to hold us back or we run the very serious risk of becoming increasingly out of touch and unaware of the communities for whom we are planning.

Although almost four years earlier, my contemplation and motivation for trying to advance planning practices with new technologies and social media, mirror the recent sentiment of architect Steve Mouzon: “I find the things that I don’t know far more interesting than the things I do know, because the things I don’t know contain limitless possibilities, whereas the things I do know are mostly known quantities.”

Viewing my uncertainty from a perspective of possibilities allowed me to be more creative and comfortable with these changes in my planning work and continues to move me forward to this day. I suggest that a similar shift in perspectives about social media by all planners would be greatly beneficial.

### Easy wins

Planning professionals should not be fearful of social media tools. In fact, with the skills used for report writing, photo manipulation, survey creation and presentation development, planners generally have the same ability to use these new tools as anyone else. With the additional professional expertise that planners have, we should also be able to adapt social media for even more specific and impactful uses. The effectiveness of this is particularly highlighted for smaller communities or planning firms, as their capacity to use freely available resources to improve their work affords them vast new opportunities previously only available to larger urban centres or organizations.

For example, when developing the Collingwood Urban Design Manual, as a way of explaining complex design issues staff introduced the use of a project blog and 3D simulations generated with freely available Google software. This resulted in unprecedented understanding and meaningful discussions with the community and elected officials alike. These two approaches have now been adopted for all planning and development projects. This simple change in the way “we do business” to incorporate social media and contemporary technology in our planning department has resulted in vastly improved public discussions and citizen engagement, significant streamlining of development reviews and increased quality of developments that support community livability. These results are in line with the impact of my initial work in this field in Washington. With future articles I intend to examine ways that planners, municipalities and developers can benefit from these tools even when budgets are small and staff resources maybe limited.

### Creative catalyst

Earlier I made the assertion that changing your approach to planning so that it includes these tools would make it more creative and fun. From my personal experience and what I have seen of my co-workers’ experiences this has been the case. At the most basic level, work satisfaction is increased through the use of these tools simply because of the greater amount of community engagement, improved understanding of project characteristics and more successful problem solving.

Personally, the most recent and enjoyable creative step forward has been in making paper craft animated videos to explain

planning issues. These essentially consist of hand drawn images recorded using stop-motion animation techniques, which are choreographed to match a voice recorded script. There are a number of very specific benefits of this form of communication:

- There is well documented research about the improved ability for people to retain information presented in video form.
- The complete control one has over the imagery in animated videos allows for selectively reducing the amount of distracting information.
- There is a greater range of people that one can communicate with through animated videos than other more traditional approaches.

As far as I have been able to determine these videos are the first of their kind specifically focused on planning. The initial two videos I created were in support of the active transportation plan I am developing for the Town of Collingwood. These describe active transportation and walkability in about two minutes apiece and have been used in numerous meetings and presentations. They have also been posted on our planning department’s Facebook and YouTube pages for others to freely share.

I am currently developing a full series of paper craft animated videos in partnership with OPPI, in addition to working on social media strategies. These videos will address a number of important planning subjects and will be a freely available resource.

None of what I have described would have been possible without a willingness and desire to openly explore the potential uses and adaptations of social media and contemporary technology as an integral part of my planning work. If you are a planner that is going to begin using these tools, you should be confident that you already have adaptable skills that will help you be successful. You may also find that new partnerships become necessary, new faces may join your organization, and various experts become part of your team.

Take the plunge. All planners should take the chance to see how they can be part of this exciting change for the profession. Go find the right people and invite them into the social media pool with you. Splash around and have fun. Trust me, the water’s fine here in the deep end.

*Robert Voigt MCIP, RPP, specializes in urban design, community health, active transportation, and organizational development. He authors CivicBlogger, a website focused on planning issues. Voigt is a member of the Municipal Urban Designers Roundtable and the OPPI Urban Design Working Group. He can be reached at rob@robvoigt.com, on Twitter @robvoigt, or Google+ and LinkedIn.*



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# Community conduct

Dear Dilemma,

I entered professional planning practice because of my keen interest in community building, protecting the environment and supporting sensible planning decisions and as a municipal planner believe I have contributed positively in this regard.

Outside of my professional work, I also support community building through involvement in a number of community organizations and service clubs. Recently, one of those organizations wanted to improve and promote a lakeside park by constructing a combination gazebo and bandshell.

Therein lies the challenge. To construct it as the organization wishes, it would exceed the maximum height allowed by the zoning by-law. While council supports the general concept, it requires a minor variance. Part of my role in my day-to-day work is to provide recommendations to the committee of adjustment on minor variance applications.

The project is now attracting some controversy. The community organization says it is supporting the broader community by building the facility for community use. Those who do not support the development argue it is too high and blocks views.

I am not directly involved with the committee that is actually

delivering the project, but even so am feeling some subtle and direct pressure from the association that I am involved with and which is the proponent. That pressure is to support the height variance that would allow it to proceed despite some community concerns.

I am trying to balance my professional responsibilities with my involvement in and support for the objectives of the community organization. Do you have any advice?

—Community minded

Dear Community minded,

Your commitment to your community both through your professional work and your affiliation with community groups is commendable, but it certainly can bring about some challenges.

Central to the *Professional Code of Practice* is the standard of practice for independent professional judgement. It sounds like you are required to provide professional advice to the committee of adjustment on this application.

The professional planner, in applying independent professional judgement, cannot be an advocate of any position other than his or her professional opinion. That opinion must be balanced and fair and result from an evaluation process.

You do not say whether you are operating in a small office where you are the only planner able to provide a professional opinion to guide the committee in its deliberations, or in a larger office where another professional planner could be asked to provide advice if you are feeling pressured.

In either circumstance, the key principles outlined in the *Code of Practice* are critical: “A planner shall not perform work if there is an actual, apparent or foreseeable conflict of interest ...,” “zealously guard against conflict of interest or its appearance” and “disclose unavoidable conflicts” or “deny favourable treatment to special interest groups (private and public).”

You are involved with this community organization and I take it that in every sense it is a well meaning and well established organization with well established credentials for community work. As such the “remain free of associations and activities that may compromise integrity and damage credibility” would seem not to be relevant. We all have interests outside of our professional careers, and should be free to participate in reputable groups.

To the specifics of your dilemma, if you have the opportunity to step aside and have another professional planner provide the opinion, it may be wise to do so. Declare the potential conflict and avoid any influence on the opinion or decision.

If you must provide the professional planning advice you must do so independent of any influence. The opinion should be the end product of an evaluation process openly and freely entered into with the application of research techniques.

Conducting yourself in such a fashion is critical to the profession, and should be recognized by your employer and the community organization as commendable.

Yours in the public interest,

—Dilemma

*Through this regular feature—Dear Dilemma—the Professional Practice and Development 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.on.ca](mailto:Info@ontarioplanners.on.ca).*

**The Partners of MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) wish to congratulate Wendy Shearer, Landscape Architect and Managing Director Cultural Heritage, on receiving the following awards:**



• The Canadian Association of Heritage Professionals National Award for the **Conservation of a Heritage Landscape** for the restoration and rehabilitation of the landscape of **Hamilton City Hall**;

• The Canadian Association of Heritage Professionals National Award of Merit for **Heritage Planning** for the **Long Range Planning Study of Dundurn National Historic Site**, Hamilton (project lead - Stevens Burgess Architects);

• The Canadian Association of Heritage Professionals National Award of Merit for **Heritage Planning** for the **Oil Springs Heritage Conservation District Plan**, Oil Springs, Lambton County;

• City of Hamilton Urban Design and Architecture Award of Merit for the **Restoration of Hamilton City Hall Renovations** (project lead - Garwood-Jones and Hanham Architects);

• The Architectural Conservancy of Ontario, **The Margaret and Nicholas Hill Cultural Heritage Landscape Award** for the **Oil Springs Heritage Conservation District Plan**, Lambton County.

Wendy Shearer was also invested as a Member of the College of Fellows of the Canadian Society of Landscape Architects at the 2011 CSLA Congress. This is the highest honour bestowed by the Society and recognizes Wendy’s outstanding contributions to the profession. Wendy can be reached by phone at 519-576-3650 or at [wshearer@mhbcplan.com](mailto:wshearer@mhbcplan.com).



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## Lobbyist Registries

# A question of judgment

By Marilyn Radman and Brian Brophrey

**A**mendments made in 2007 to the *Municipal Act, 2001* gave municipalities the authority to pass by-laws establishing lobbyist registries. Since then the reaction has been mixed, the uptake limited and the potential characterization of professional planners as lobbyist has drawn some fire.

Critics have suggested that there is no serious problem of undue influence on municipal decision-making in Ontario, and the creation of such registries is a disproportionate over-reaction to rare (but scandalous) exceptions. It is argued that the registries are not actually effective in preventing or reducing these problems, and they can also be cast so broadly that they inadvertently “chill” citizen-government communications and non-commercial advocacy groups.

Meanwhile, a judicial inquiry in the City of Mississauga recently recommended against that city establishing a similar lobbyist registry. The City of Hamilton has a voluntary lobbyist registry, and Halton Region has been consulting with its cities and towns about the possibility of establishing a registry. Every city in Quebec is covered by a provincial lobbyist registry.

In early December, the City of Ottawa’s subcommittee on governance sent a draft by-law establishing a lobbyist registry back to staff for more work. The by-law should come back to the subcommittee by the end of March.

Ottawa’s draft by-law is largely modeled on a similar registry that has been in effect in the City of Toronto since early 2008. Toronto’s by-law (actually made under the *City of Toronto Act*) was spurred on by a judicial inquiry into a computer leasing scandal. Some say that such mandatory registries can prevent such abuses by contributing to democratic transparency and municipal accountability.

Under the Toronto scheme, lobbying is defined as an individual’s communication (beyond merely requesting or providing information) with city decision-makers or personnel outside of a public process or session about matters of interest or benefit to the individual or individual’s client. Such communication is not to take place unless the individual has pre-registered with the city as a lobbyist. If lobbying activities take place in the absence of pre-registration, the individual may be prosecuted and fined up to \$25,000.

In March 2008, OPPI issued a Member’s Bulletin, which referred to certain interpretations on the City of Toronto website. It was clarified that a planner communicating with the assigned planning staff at the city regarding an application does not constitute lobbying that requires registration.

OPPI understands that members practicing in Toronto have reacted in various ways to this regime. Some simply decided (and advised their clients) that they would not participate in any meetings that might qualify as lobbying, and therefore they

would not have to register. Some members did register, assuming (or unsure whether) they might participate in meetings that might be considered to meet the definition.

The *OPPI Professional Code of Practice* requires that members apply their independent professional judgment, and do not advocate for any position (except in the sense that they may defend and justify and advocate for the opinion they have formed in good faith). The fact that an OPPI member has registered as a lobbyist for the purposes of a municipal by-law does not necessarily imply that the member has in fact improperly advocated or breached the code. Any complaint received by OPPI’s Discipline Committee would be evaluated on its merits, in light of the actual conduct of the member in question.

Depending on the nature of a member’s practice, he or she may also be required to comply with other codes, regulations and by-laws. The closing “caveat” section of OPPI’s *Standard of Practice* regarding “Independent Professional Judgment” notes that OPPI members are “obligated to respect all standards applicable in the circumstances, including any higher standard or obligation [i.e., higher than the standard contained in the code itself], in the case of overlaps or conflict. In all such cases, it is the duty of the professional planner to meet or exceed the requirements of [the code].”

OPPI’s Member’s Bulletin of 2008 raises several other potential conflicts that have not, to our knowledge, actually arisen in practice. The lobbying by-law requires lobbyists to pre-register before communicating with city personnel, and to get informed consent before revealing confidential client information. However, the *OPPI Professional Code of Practice* gives primacy to the public interest, so that theoretically in some urgent case it might require an OPPI member to communicate with city personnel (despite not having pre-registered) or to reveal confidential information (without having received informed consent from the client).

To date, OPPI has not taken a position for or against the creation of lobbyist registries, and their application to professional planners. OPPI and the Ontario Planning Journal would be interested in hearing from members and readers as to their opinions about lobbyist registries, and about such registries that may be being considered elsewhere in the province.

In any event, the Institute expects its members will continue to practice in full compliance with the high ethical standards outlined in the Professional Code of Practice.

*Marilyn Radman, MCIP, RPP, is Director of Professional Practice and Development on OPPI Council and Brian Brophrey is Registrar and Director, Professional Standards.*



## Rinks of Dreams

# Ontario's winter sports heritage



Michael Seaman

By Michael Seaman, contributing editor

**W**ith the news that the first phase of the grand re-purposing and restoration of Maple Leaf Gardens as grocery store and university sports facility has been completed, Canada's winter sports heritage is once again in focus. It's not as obviously historic as a War of 1812 battlefield or a pioneer homestead, but for more than a century winter sport, and hockey in particular, has been at the core of Canada's culture and identity.

How can we translate that interest in sports history to an interest in heritage in general?

The hockey hall of fame building marries the two very well. It's located in an historic bank building completely unrelated to hockey, yet the heritage and architecture of the building is an important part of the experience of visiting that site.

Despite the fact that the last NHL game to take place at Maple Leaf Gardens was more than 10 years ago; there remained a broad constituency of people who were interested in its preservation. CBC tapped into this interest a few years back, when it hosted the first season of "Battle of the Blades" at the gardens. I am certain the network anticipated there would be a sizable section of the viewing audience who would tune in to see the grand old building brought back to life. And Loblaw's anticipated the same nostalgic attraction when it decided to locate one of its grocery stores inside the building and invest significantly in the restoration and adaptive reuse of a building that had been constructed for a completely different purpose.

In addition to personal history—one's first game or first concert—there is a much deeper meaning to the importance of sporting heritage sites in the role they play as community focal points and gathering places. There are few sites which can generate more points in the events category when evaluating heritage sites, than historic sporting venues. The energy they generate is often not confined to the facility itself. Part of the atmosphere of going to a Maple Leaf game, for example, was the rituals of trudging with the hoards through the streets of Toronto on the way to the arena, and eating a pre-game meal at a local restaurant before the game. When these major facilities cease to function—as Maple Leaf Gardens did in 1999—the whole structure of the community changes along with them.

Despite this reverence for sporting historical sites, Maple Leaf Gardens is a rare survivor. There are countless examples from Wembley Stadium in London to Yankee Stadium in New York, where comfort and money have eventually won out over history and tradition, and these sites were demolished. High real estate values, costs of maintaining such a large structure which had lost its original function, the attraction of newer and bigger facilities and the difficulty of achieving adaptive reuse without irreparably damaging the character we seek to preserve, stood in the way of preservation.

The preservation of historic sporting venues, may not always be possible but the recognition of sporting traditions, through plaques, tours and publications, is within reach of all. Sport is an important part of community history, and celebration of its past provides a unique opportunity to broaden interest in local heritage, and has the potential to open up other windows into the history of a community.

Meanwhile, there have been some remarkable success stories in smaller communities across Ontario where historic sporting venues still play a vital role in community life. While not without its challenges, there have been numerous community benefits in terms of a heightened awareness of local history and identity, and the preservation of unique and inspiring community spaces.

Galt Arena Gardens, Cambridge, Ontario—Opened in 1922, it is the oldest operating arena in Ontario. It was designated by the City of Cambridge under the *Ontario Heritage Act* in 1994, in recognition of its lengthy history as a community sporting venue, and its innovative design as a major sports facility. Between 1995 and 1997, the Galt Arena Gardens underwent a \$4.5-million renovation ensuring it will continue in service as one of Canada's most historic hockey buildings.

Brampton Memorial Arena—opened in 1950, it is another revered local sporting facility that has been designated under the *Ontario Heritage Act*. Constructed to honour those who had lost their lives in the Second World War, the building was built with a high degree of craftsmanship and features a wooden whipple truss roof. It offered a year-round venue, staging concerts, fall fairs, figure skating meets, rallies and other sporting events. The

## Historic Winter Sporting Sites and Clubs in Ontario

- 1834 Fergus Curling Club—oldest continually operating curling club in Ontario (provincial plaque)
- 1910 Ottawa Ski Club
- 1922 Galt Arena Gardens—Ontario's oldest operating arena (designated)
- 1924 Toronto Ski Club (formed as Telemark Ski Club in 1908)
- 1925 Windsor Arena (listed) formerly home of the NHL's Detroit Cougars (1926-27)
- 1927 Cedarena (designated)
- 1932 Maple Leaf Gardens (designated)
- 1950 Brampton Memorial Arena (designated)

most important of these is Lacrosse, Brampton's true sporting passion, and its famous Excelsior Club, who are the winners of 10 Mann Cups, representative of supremacy in senior men's lacrosse in Canada.

Despite the affection that many Bramptonians have for the arena, its future was in doubt in 1978 and 1991, when upgrades to provincial safety standards forced its closure. Other communities chose to demolish their old arenas at this time, often replacing them with characterless bubble roofs. Brampton chose another path, and reinforced the roof. Its historic character was preserved and the arena even doubled as the long demolished Detroit Olympia in the 1995 CBC miniseries, "Net Worth." Although Brampton today has many modern ice rinks, with all the modern conveniences, Brampton Memorial is still a vital part of the city's sporting scene and a constant reminder of the history and tradition of sport in a rapidly expanding community.

It is well worth a visit—stepping inside, seeing the wood all around, the proportions, scale and design from the past. Brampton Memorial provides an awe inspiring feel of hockey the way it was staged 50 years ago. It might not be practical that every winter sports venue be preserved in this way but it is nice to have some around to provide a stage for dreams of how the game was played long ago.

Cedarena, Markham, Ontario—Most evocative of the early days of winter sports, this Cedar Grove facility's success is probably due to its simplicity, a large oval clearing surrounded by cedar trees in the Rouge River Valley. There is little of note in the summer months, but in winter, with the ice rink laid out, it transforms into a virtual time machine to the 1940s and '50s as

locals and visitors enjoy a wonderful atmosphere that has drawn generations of skaters to the site since it was formed more than 80 years ago. It began when local families, led by Austin Reesor decided to look for a safer place for local children to skate than the local mill ponds previously used. They found low tableland close to the river and approached local farmer Arthur Lapp with the idea of developing a natural ice arena. Lapp agreed and with a handshake, the property became part of the Cedar Grove Community Club, which continues to operate the facility today.

Cedarena is a unique cultural landscape feature in Markham. The natural ice arena includes a 1950's frame pavilion, set next to the ice surface. The pavilion serves as a changing room as well as a refreshment counter. Outside the pavilion is the oval hockey-size rink encircled by boards in the midst of a wooden enclave. The experience, completed with the old time music played from the loudspeakers, is evocative of the pleasures offered by community recreational facilities of the past.

In 2003, I had the pleasure of instigating the designation of Cedarena under the *Ontario Heritage Act*. With the heritage act at the time focussing largely on architectural heritage, there was initially some difficulty fitting this unique place within established designation criteria. Today, however, with the broader definition of heritage, in designating Cedarena, we have recognized and protected Markham's first Cultural Heritage Landscape.

*Michael Seaman, MCIP, RPP, is planning director with the Town of Grimsby and serves as vice chair and Ontario Governor for the Heritage Canada Foundation.*



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## Conserving resources

# Active transportation plans

By John McMullen

Urban planners, public health officials and proponents of smart growth agree—auto dominated communities are bad for us and they are bad for the planet. Most of us rely on the gasoline-powered engine to manage our daily lives and statistically only a small percentage of us are doing anything to change this. The way we have built the streets and blocks that surround us is one of the reasons we use our cars so much. This would help explain the recent OECD ranking of Canada, placing us an embarrassing 27<sup>th</sup> out of 29 nations in terms of energy use per capita.

The suburban model of development that supports our auto-oriented lifestyles is not unfamiliar to practicing planners. Stringent zoning by-laws and the requirement for segregating land uses, facilitated the vast majority of these developments. Most of our communities appear to be premised on an endless supply of cheap gasoline and affordable cars, a premise that no longer seems viable. Nonetheless, we are left with the neighbourhoods that spilled forth from this thinking. Some speculate the investment made in the suburban revolution may prove to be the largest collective waste of resources in the history of the planet.

With a worrying rise in obesity, a rise in traffic pollution and increasingly gridlocked streets, a more thoughtful approach is needed to building the places where we live. Planners and their colleagues involve themselves in developing new tools that help configure, improve, organize and embellish our communities. To encourage more people to adopt healthier and less carbon emitting lifestyles, non-motorized travel needs to become as convenient as the car. Active transportation is now rising to the top of the toolbox when municipal government turns itself toward the task of adapting to the pressure for alternative transportation choices.

## Creating an active transportation plan

Simply defined, active transportation means getting around without the use of an engine. Plans are created to map out routes and linkages and to detail infrastructure improvements such as

sidewalks, pathways, trails, open space, bike lanes and pedestrian-scaled streets. A complete plan consists of a vision and mapping, as well as guidelines for building, maintaining and supporting the required infrastructure.

Creating an active transportation plan involves extensive community consultation and, attracts cyclists and hikers, conservation-minded people and public health officials. The practice of active transportation crosses multiple disciplines. And good active transportation planning and implementation involves collaboration among planners, landscape architects, urban designers and engineers. While engineers and public works officials have the final say on matters relating to safety and road standards, the active transportation planning and design process is often undertaken by urban designers and landscape architects who are more accustomed to the detailed design work required to enrich the public realm and plan for pedestrians.

Many active transportation plans are now in the works and many others have recently been completed. With so many freshly-minted active transportation plans now being implemented, it is a good time to ask how well the plans are translating into real pedestrian and bicycle improvements. Within the context of municipal government, what works best when it comes to improving pedestrian and bicycle infrastructure and what roadblocks await those municipalities just starting out?

*The September 20 and 21, 2012 OPPI Symposium will bring together planners and other stakeholders from around the province to help move the agenda forward on healthy communities and active transportation. (For information go to [www.ontarioplanners.on.ca/content/symposium/index.aspx](http://www.ontarioplanners.on.ca/content/symposium/index.aspx).)*

*John McMullen, OALA, CSLA, MCIP, RPP, is currently principal and partner at the consulting firm PLANbyDESIGN, with offices in Orillia and Port Perry. John has helped communities with the creation of active transportation plans and trails and bicycle plans for over 18 years. He can be reached at [john@plandesign.ca](mailto:john@plandesign.ca).*

## Lessons from the field

### City of Thunder Bay

If a municipality decided to remove street parking and replace it with a bicycle lane, would residents stand up and cheer? Municipal agencies across Canada are discovering the answer to questions like this, as many of them begin implementing their new active transportation plans.

“When people learn a bike lane is planned in front of their house their primary concern is parking, that and safety, ‘I won’t be able to back out without hitting a cyclist,’ those are the main concerns I get from people,” says City of Thunder Bay active transportation coordinator Adam Kruper.

Kruper explained that while Thunder Bay’s plan has great support and

numerous local champions, street parking has been a huge issue.

“We need data to measure how much parking is really needed, especially where bike lanes are planned, there’s a big difference between people’s perceived parking needs and people’s real parking needs. We need a way of keeping track of that.”

Kruper also indicated that the strategic plan was a very important tool.

“The strategic plan is a big factor because the plan basically outlines what city council wants. Each and every department has goals to [achieve] and deadlines to complete them. Having the active transportation plan set out as one of the major goals in the strategic plan was a big motivator for engineering and parks to make sure it happened.”

## City of Toronto

Fiona Chapman is the pedestrian projects manager at the City of Toronto. In regards to the most useful tool Fiona has at her disposal when it comes to getting pedestrian and cycling improvements built she says, “The fact that we have a strategy is fantastic, with very specific recommendations and that is endorsed by council.”

When she finds herself needing to justify pedestrian improvements these days, “often I’ll look at people and I’ll say, ‘well, don’t shoot the messenger. This is endorsed by council.’”

Chapman also considers changing mind-sets one of her challenges.

“Many of the pieces that we are trying to advocate represent a cultural shift for a lot of the engineers that we work with. Part of this is about the hierarchy of road users. We’re suggesting that pedestrians should come at the top of that hierarchy, followed by cyclists and then single-purpose vehicles.”

Using the example of turning radii Fiona notes, “We’re always advocating for tighter turning radii, it gives pedestrians more room, it stops cars from turning corners quickly and we think it promotes safety. However, we are often challenged by our colleagues who have to design the road for trucks as the wheels are just going to bump up on the curbs and you’re going to cause damage. These are legitimate perspectives, but I would argue back that when one weighs this, the pedestrian piece should, in fact, come first.”

## Niagara Region

In these constrained economic times, funding is also a challenge, Niagara Region policy alignment manager Ken Forgeron is the staff representative on the Regional Niagara Cycling Committee.

“One of the key regional land use policies that we have here is that the regional council may provide money to local municipalities who are working on roads that are part of the regional bicycle network. We provide money to local municipalities for the bicycling component of that roadway. It’s quite an important incentive tool for building a connected regional network over the next 20 to 25 years.”

It remains to be seen whether this regional incentive program can be sustained into the future and whether alternative sources of funding/partnerships can be identified.

Forgeron also draws attention to the importance of up-to-date, supportive regional and local municipal planning policies and mapping that facilitate active transportation in local communities.

“When we review official plans we are trying to make links in local plans back to the regional plan. We make sure the regional cycling network is identified in local official plans and that the plans identify the potential for funding available from the region. We have a really good opportunity now to get this kind of work into the official plans.”

## Town of Wasaga Beach

Wasaga Beach senior planner Doug Herron reflects on the town’s active transportation plan and the factors that are helping with its implementation.

“We are an infant community,” explains Herron. “As an infant community the infrastructure projects we undertake are large, but we are not pinned down by a complicated set of predetermined conditions. This allows us to include trail connections and linkages in our planning as we expand. Not only that, the community is growing premised on a shared ethos regarding nature, health,

proximity to water and scenic beauty. Walking, cycling and trails are a big part of that.”

Herron explains that Wasaga Beach’s plan came together as a grassroots effort, “the character of the place and the people moving here made our active transportation planning efforts easier, there was a general consensus that what we have here is special. As home to the largest freshwater beach in the world and with the large inland provincial park and its unique parabolic sand dunes a person can literally hike into the park, stand atop the dunes and look down at fly fishermen standing in the Nottawasaga River or look north to the panorama of Georgian Bay and up at Nottawasaga Bay and one of the best boating destinations in the world. Trails and connections to natural areas build on what this place is all about.”

## Dufferin County

Dufferin County public work director Trevor Lewis also noted the importance of active transportation work done at the upper-tier level.

“After Dufferin County completed [its] active transportation plan it made it easier for us to partner with local municipalities and it provided an active transportation structure for the entire region.”

Lewis considers the biggest obstacle to overcome is finding adequate funding to get things built. But most importantly, in Dufferin County, as in other communities, volunteer and non-profit organizations have become major players in active transportation planning and implementation. Lewis noted that “in the end, the biggest help we had came from grassroots organizations.”

### From the field...



Toronto



Tiny Township

Clockwise from top left: Bixi bikes in Toronto; simulation of proposed works York Street streetscape improvements, Village of Haliburton, completed between Midland and Balm

## Town of Oakville

Town of Oakville sustainable transportation program coordinator Chris Clapham is charged with implementing the active transportation plan adopted by council in September 2009. Clapham points to community and stakeholder groups as one of his biggest allies.

They're my eyes and ears, I can't be in all places at once, I have an open door policy to let me know what's going on, if there [are] any problems in the network, or ideas that they may have. I'm a big proponent of trying to keep the community involved as much as possible."

Clapham has also found that having a staff person who is familiar with all on-going infrastructure projects and knowledgeable about the active transportation plan is invaluable.

"A dedicated staff person working with multiple departments has been important in Oakville."

Clapham notes that dedicated staff has meant that "improvements could be made without adding much cost and without needing to go to council to have new projects approved."

Other municipalities also talked about the importance of staff who work full time on active transportation. Although not possible in smaller communities, in larger municipalities dedicated staff makes a huge difference. Unfortunately, there is still a disconnect from department to department in some cases. If public works is not on board in regards to an active transportation plan, a lot of the time spent planning can be wasted. Bringing various departments in early during plan preparation is critical.



for First Street in Collingwood (photo by David Wood); before and after of in 2011; visualization of a planned shared use pathway in Tiny Township Beach on Balm Beach Road

## Town of Collingwood

The Town of Collingwood has been dealing with some considerable development pressure since Intrawest came to town and injected serious juice into this region's economy. Other areas faced with these pressures have taught us about the risks of a localized construction boom. We've all seen communities left chock-a-block with drive-through businesses, parking lots, big box retail and un-walkable streets after the dust settled.

In Collingwood however, the recent changes to the built environment smack of a conscious effort toward high-quality design and planning for pedestrians and bicycles. So what's going on here?

Speaking with engineering executive director Edward Houghton and planning and infrastructure projects manager Robert Voigt, who have been two of the main players in Collingwood recently, we learn that their new urban design manual has been an important tool. A quick review of the new manual explains why. The document stands out from comparative municipal policy, mainly due to the user-friendly nature of the document, a lack of planning jargon, and detailed easy-to-understand graphics that accompany each section.

Houghton and Voigt identify the new urban design manual, interdepartmental cooperation, and council support as some of their greatest resources. They said the town is now developing an active transportation plan and is focusing it on network improvements, place-making projects, urbanism initiatives and education.

According to Voigt the active transportation plan staff is completing will be "a dynamic plan that is near-future oriented in terms of actions and long-term oriented in terms of policy." He adds that "the community will see tangible improvements for active transportation very soon after the plan's adoption and this work will mesh with the town's urban design manual."

## Haliburton County

Halliburton is another community that has seen success in implementing active transportation provisions.

Sue Shikaze, health promoter with the Haliburton, Kawartha, Pine Ridge District Health unit, says that relationship building was a vital part of creating and implementing the active transportation plan.

"A big part of the work that I've been involved in has been around promoting, planning and advocating for things like cycling and active transportation. In Haliburton members of our committee went to council and said 'we are planning on applying for this grant, can you provide us with a letter of support' and it did. Throughout the whole process there has been on-going communication and now council sees us as a good source of information. Fostering those positive relations has been a really critical aspect of the success that we've had."

Minden Hills community services director Rick Cox worked with Shikaze on the Minden Active Transportation Plan in Haliburton County. "Our plan was conceived, funded and directed by the local Communities in Action Committee, it would not have happened otherwise."

Rick has another important message.

"The visual piece in the plan was also really important, that way council could say 'yes, I can see why that would be better. I can visually understand why that space would look better and feel better and be more user friendly."

## Minor Variances

## Retreat from DeGasperis?

By Matthew A. Di Vona

The *Ontario Planning Act*<sup>1</sup> provides flexibility in the application of zoning by-laws by way of what is statutorily referred to as a “minor variance.”<sup>2</sup> Subsection 45(1) of the act authorizes municipal committees of adjustment, as well as the Ontario Municipal Board, to grant variances from the requirements of a zoning by-law. Regularly used by planners across Ontario, the well-known “four tests” for a variance are contained therein, as follows:

- (i) Is the variance minor?
- (ii) Is the variance desirable for the appropriate use and development of the land?
- (iii) Is the general intent and purpose of the official plan maintained?
- (iv) Is the general intent and purpose of the zoning by-law maintained?

The following discussion concerns the first test.

In *DeGasperis v the City of Toronto* (“*DeGasperis*”)<sup>3</sup>, the Ontario Divisional Court appeared to narrowly define minor. There not being a definition within the *act* itself, the court wrote:

... [T]he definition of “minor” ... is “*lesser or comparatively small in size or importance*” ... It follows that a variance can be more than a minor variance for two reasons, namely, that it is *too large to be considered minor or that it is too important to be considered minor*. . . Impact is an important factor but it is not the only factor. A *variance can, in certain circumstances, be patently too large to qualify as minor even if it likely will have no impact whatsoever on anyone or anything*.

...

Accordingly, in my view the board was required, at the outset, to examine each variance sought and to determine whether or not, with respect to both *size and importance, which includes impact*, it was minor. [emphasis added]

The meaning and intent of *DeGasperis* have been highly controversial. It seemed that the court had broken from its own long-standing decisions<sup>4</sup>, and that of the board<sup>5</sup>, regarding what constitutes “minor.” Prior case law had established that “minor” is a relative term, and therefore demanded a good deal of flexibility. Most importantly, the cases made it clear that the test does not call for a mathematical calculation or quantitative measuring of size; rather, it is a matter of impact.

*DeGasperis* created confusion among lawyers and planners. There appeared to be two divergent lines of case law: the first dictated that “minor” was to be flexibly interpreted and applied contextually, according to the circumstances; while the second—and more rigid—approach held that “size” *must* be considered and discussed in the board’s analysis.

However, recent Divisional Court decisions seem intended to clear the confusion.

### North Barrie Plaza<sup>6</sup>

This was a motion by North Barrie Plaza Limited to the Divisional Court for leave to appeal from a board decision<sup>7</sup> granting certain variances sought by 1729981 Ontario Ltd. (“Developer”).

To accommodate the construction of a new building in the City of Barrie, the Developer required two variances to the setback requirements in the zoning by-law. Its application to the committee of adjustment was approved, despite North Barrie Plaza’s objection. North Barrie Plaza appealed the committee’s decision to the board, which ruled in the Developer’s favour.

In seeking leave to appeal, North Barrie Plaza alleged that the board’s decision did not address the magnitude of the variances and that this amounted to an error of law. North Barrie Plaza also contended that the failure to properly apply the “minor” test, and provide an analysis relating to size and/or magnitude, amounted to a failure by the board to provide adequate reasons in its decision.

The board’s decision does not, in fact, include any specific discussion regarding the size or magnitude of the variances in question. Rather, the board simply set out what the required variances were, and what was proposed, in terms of their numeric values<sup>8</sup>. Arguably, pursuant to *DeGasperis*, this was a failure to properly consider the “minor” test. However, the court held that that board had not erred in law.

In dismissing the application for leave, Justice McIsaac of the Divisional Court stated, in part:

... I agree with the respondent that “*minor*” is a relative term demanding a good deal of flexibility: see [Perry] at para. 16. As suggested by the applicant, *it involves a consideration of both size and importance which includes impact*: see [*DeGasperis*] at paras. 12-13.

In my view, it would be disingenuous in the extreme to assume the board member proceeded to draft the reasons for judgment herein while oblivious to the extent of variances sought by the respondent. *They are specifically referred to at page 2 of those reasons and, in my view, are incorporated by reference in the assessment of potential impact on neighbouring properties including those of the applicant at the bottom of page 9 thereof.*<sup>9</sup> [emphasis added]

It does not seem that this is in strict accordance with *DeGasperis*, despite that case being cited. Interestingly, the court also cited its prior decision in *Perry*, which was not discussed in *DeGasperis*, and has generally been interpreted as standing for a contrary view of the meaning of “minor.”

In my view, *North Barrie Plaza* is significant because it attempts to synthesize the divergent tests set out in *Perry* and *DeGasperis*. The result, though, tempers and, in effect, marginalizes *DeGasperis*.

*North Barrie Plaza* stands for the proposition that the board need not expressly reference a consideration of “size” or “magnitude,” nor does it have to engage in any mathematical

calculations in its analysis. Rather, the board may simply state the numeric value of what is required and what is proposed, and reference any adverse impacts that may arise as a consequence of approving the variance. It is difficult to imagine a situation where the board would not satisfy the “size” element of this new test.

In addition, it is fair to say that *North Barrie Plaza* recognizes and follows earlier rulings cautioning a deferential approach toward the decisions of specialized administrative tribunals, such as the board. Since *DeGasperis* in 2005, the courts have repeatedly recognized that the board has specialized expertise in land use planning and development-related matters<sup>10</sup>. This expertise specifically extends to the interpretation and application of the act.

Moreover, in *Dunsmuir*<sup>11</sup>, the Supreme Court of Canada held that issues involving questions of fact, discretion, policy, and the interpretation of one’s home statute (*i.e.*, the *act*) invoke the specialized expertise of an administrative tribunal. Deference will accordingly be afforded to the board in these circumstances.

## 621 King Developments Ltd.<sup>12</sup>

In this recent case, the Divisional Court elected to follow *North Barrie Plaza*, in accordance with the above, by extending this line of deferential reasoning. In deciding that the board’s reasons for its decision were sufficient, in connection with the consideration of the “minor” test, the court quoted *North Barrie Plaza*, stating:

... I am satisfied that the reasons conform with the need for a “careful and detailed analysis”. . . [i]t was not necessary to articulate every “landmark along the way.”<sup>13</sup>

As an overall observation, it appears that the Divisional Court has affirmed the “retreat” from *DeGasperis* in two parts: first, the

board does not have to methodically analyze each variance in terms of each branch of the test at s. 45(1) of the act; and, secondly, the old test for “minor” is back.

For now, it seems clear: in the context of a minor variance, “size” *doesn’t* matter.

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### ENDNOTES

<sup>1</sup> R.S.O. 1990, c.P13.

<sup>2</sup> This is to be distinguished from a “permission” granted pursuant to s. 45(2) of the *act*.

<sup>3</sup> *DeGasperis v. Toronto (City) Committee of Adjustment* (2005) 2005

CarswellOnt 2913 (Div. Ct.) (“*DeGasperis*”), in particular, paras. 12 and 13.

<sup>4</sup> *Perry v. Taggart* (1971) 1971 CarswellOnt 811 (Div. Ct.) (“*Perry*”), in particular, paras. 14 and 16.

<sup>5</sup> *Darling v. Brockville (City) Committee of Adjustment* (1994) 1994 CarswellOnt 5647 (O.M.B.), in particular, page 5.

<sup>6</sup> *North Barrie Plaza Ltd. v. 1729981 Ontario Ltd.* (2011) 2011 CarswellOnt 5176 (Div. Ct.) (“*North Barrie Plaza*”).

<sup>7</sup> *Re DiPaola* (2011) 2011 CarswellOnt 1180 (O.M.B.) (the “Board’s Decision”).

<sup>8</sup> *Ibid.*, in particular, page 2.

<sup>9</sup> *North Barrie Plaza*, *supra.*, paras. 7 and 8.

<sup>10</sup> *Minto Communities Inc. v. Ottawa (City)* (2009) 2009 CarswellOnt 7349 (Div. Ct.), in particular, para. 7; and *R & G Realty Management Inc. v. North York (City)* (2009) 2009 CarswellOnt 4717 (Div. Ct.), in particular, paras. 4-7.

<sup>11</sup> *New Brunswick (Board of Management) v. Dunsmuir* (2008) 2008 CarswellNB 124 (S.C.C.) (“*Dunsmuir*”), in particular, paras. 51 and 53-56.

<sup>12</sup> *Toronto (City) v. 621 King Developments Ltd.* (2011), 2011 ONSC 7047 (Div. Ct.).

<sup>13</sup> *Ibid.*, para. 20.



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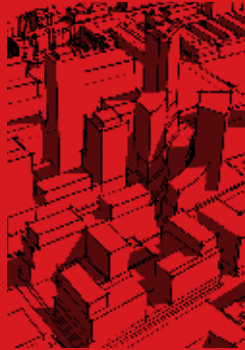
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