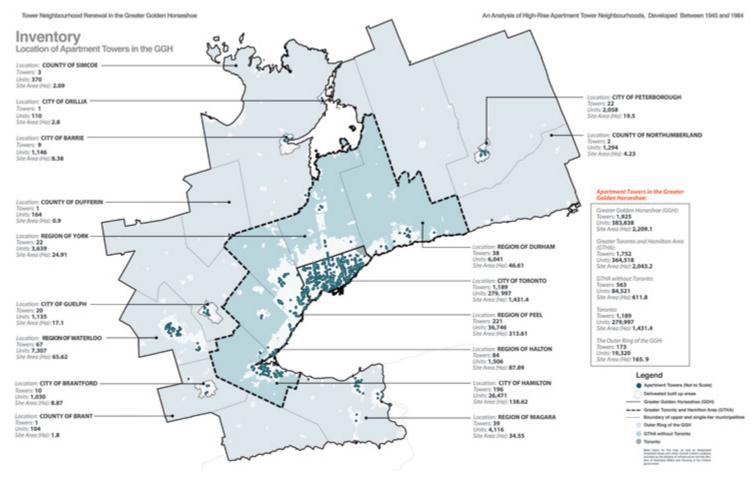


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Location of apartment towers in the GGH

# RENEWING APARTMENT TOWER NEIGHBOURHOODS

Evolving a new planning framework



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President Mary Lou Tanner, MCIP, RPP marylou.tanner@niagararegion.ca 905-685-4225 x3384

President Elect Paul Stagl, MCIP, RPP pstagl@sympatico.ca 416-784-2952

Directors Policy Development Scott Tousaw, MCIP, RPP <u>stousaw@huroncounty.ca</u>, 519-524-8394 x233 Recognition

Diana Rusnov, MCIP, RPP <u>diana.rusnov@mississauga.ca</u>, 905-615-3200 x5421

Membership Services Charles Lanktree, MCIP, RPP <u>charles.lanktree@ottawa.ca</u>, 613-580-2424 x13859

Membership Outreach Darryl Bird, MCIP, RPP <u>birdd@mmm.ca</u>, 905-882-1100 x6643

Professional Practice & Development Bob Forhan, MCIP, RPP <u>bob.forhan@rjforhanassociates.com</u> 905-235-5072

District Representatives Eastern, Rory Baksh, MCIP, RPP <u>rbaksh@dillon.ca</u>, 613-745-2213 x3049

Toronto, David Oikawa, MCIP, RPP doikawa@toronto.ca, 416-392-7188

Northern, Donald McConnell, MCIP, RPP <u>d.mcconnell@cityssm.on.ca</u>, 705-759-5375 Southwest, Jeff Leunissen, MCIP, RPP <u>ileuniss@london.ca</u>

519-661-2500 x5349 Oak Ridges, Bob Short, MCIP, RPP <u>shortb@whitby.ca</u>, 905-430-4309

Lakeland, Robert Armstrong, MCIP, RPP, CPT <u>rarmstrong@meaford.ca</u>, 519-538-1060 x1121 Western Lake Ontario, Bill Janssen, MCIP, RPP <u>bill.janssen@hamilton.ca</u>, 905-546-2424 x1261

Student Delegate, Adam Wright <u>awrigh12@uoguelph.ca</u>, 519-803-4561

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Membership Coordinator Denis Duquet, x222

Administrative Coordinator Maria Go, x225

Ontario Planning Journal Editor, Lynn Morrow, MCIP, RPP editor@ontarioplanners.on.ca

Art Director, Brian Smith

The Journal is published six times a year by the Ontario Professional Planners Institute. ISSN 0840-786X

Subscription and advertising rates can be found at <u>www.ontarioplanners.ca</u>. Click on publications, then Journal.

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# BILLBOARD

# **Conference 2013**

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COVER IMAGE COURTESY OF GRAEME STEWART. SOURCE: <u>TOWER NEIGHBOURHOOD RENEWAL IN THE GREATER</u> <u>GOLDEN HORSESHOE</u>, REPORT PREPARED BY THE CENTRE FOR URBAN GROWTH AND RENEWAL FOR THE ONTARIO GROWTH SECRETARIAT, 2010 **Toronto's Post-war Towers** 

# **Enabling Positive Change**

By Elise Hug, Graeme Stewart, Jason Thorne



hen we talk about planning in Toronto, we normally talk about the parts of the city where there is a lot of growth, and updating the local planning framework is necessary to accommodate that. But in Toronto, like in most places, development and change are not distributed evenly. Some areas of the city have changed very little—physically, at least—in 40 years. In some cases that is desirable, and in others, less so.

This article is about Toronto's post-war tower neighbourhoods and how the City of Toronto and its partners are seeking to change the planning framework to allow those neighbourhoods to evolve alongside the rest of the city.

### Toronto's tower neighbourhoods

According to a 2010 study for the Ontario Growth Secretariat conducted by planningAlliance, ERA Architects and the University of Toronto Cities Centre, across Toronto there were well over 1,000 high-rise apartment buildings constructed between 1945 and 1984. These buildings supply housing, primarily rental housing, for approximately 500,000 Torontonians—about 20 per cent of the city's population and 50 per cent of Toronto's rental units.

Toronto's post-war apartment towers are unique in North

America because they are distributed across the city. In U.S. cities, these buildings are mostly found in urban cores and downtowns, where they were primarily intended as public housing. But in Toronto, they are found everywhere, including the post-war suburbs of the former Metro Toronto municipalities, and the vast majority are in the private rental market. This phenomenon extends beyond Toronto as well. According to the 2010 report "Tower Neighbourhood Renewal in the Greater Golden Horseshoe," nearly 1,000 more of these buildings can be found across the Greater Golden Horseshoe outside of Toronto.

# **Planning legacy**

The initial planning for post-war tower neighbourhoods was, in many cases, an early version of what planners today call "complete communities." It was intended that each neighbourhood would have access to parks, schools, places of worship, shopping centres, and so on. However, the scale of these "complete communities" was that of the car. Planning was based on an assumption that all adult residents would have access to a car. This reflected the belief that

> Above: Typical post-war towers (Photos courtesy Graeme Stewart)

# Table 1

Zone Standard	Apartment Tower 'Legacy' Zoning	The King's Reinvestment Areas	Avenues
Density: GFA	Total GFA; dis-aggregated GFA per land use	None	None
Density: units	Maximum restricted to original unit count	None	None
Height	Maximum restricted to original approved height	Uniform height limit reinforces existing built character	Associated with ROW width; angular planes enforce stepbacks to achieve good transition
Coverage	Typically less than 40%	None	None
Land use	Highly restrictive	Broadly permissive	Retail required at grade

Toronto Public Health released a report prepared by the Centre for Urban Growth and Renewal in September 2012 entitled "Toward Healthier Apartment Neighbourhoods." The report tracks and maps the linkages among apartment tower neighbourhoods, growing incidence of poor health such as diabetes, and strategies for achieving the city's Healthy Toronto by Design objectives by improving access to fresh food, active transportation, health services, employment and other strategies. The report shows how Toronto's official plan policies are generally supportive of the kinds of changes needed to improve the quality of life and health of residents in postwar tower neighbourhoods. However, current zoning regulations often act as a

these buildings would attract young professionals and even young families. While that may have been the case in the beginning, today these buildings are primarily home to new Canadians and low-income residents. Car ownership in many apartment neighbourhoods is below average, with higher dependency on transit and walking for daily trips according to both the Ontario Growth Secretariat's report as well as the "Walkability in Toronto's High-Rise Neighbourhoods" study by Paul Hess of the University of Toronto's Faculty of Geography and Jane Farrow of Jane's Walk. The Ontario Growth Secretariat study also found that 77 per cent of apartment neighbourhoods are found in areas of high or very high social need.

These findings clearly demonstrate that the market demographic that was originally imagined for these buildings, and that informed the original planning for these neighbourhoods, is no longer the case. While the demographics and needs of apartment tower residents have changed in the past several decades, the planning framework that guides the growth and development of these neighbourhoods has not. This disconnect has been the focus of various initiatives in Toronto over the past several months.

# **Priority neighbourhoods**

A number of groups have identified concerns about Toronto's post-war apartment neighbourhoods, and this has resulted in a series of studies and reports in 2012.

Toronto's Tower Renewal Office, working with the City Planning Division, reviewed post-war residential tower sites where infill development has been approved, including locations in both the downtown and the inner suburbs. However, the study also highlighted generally low levels of growth and development in some parts of Toronto's inner suburbs. It appears that in these areas, infill projects on tower sites are contributing a significant share of what are otherwise relatively low levels of new development. barrier to change. For instance, while official plan policies encourage small-scale retail and service uses and local institutional uses in apartment neighbourhoods, these uses are typically prohibited by current zoning.

United Way Toronto has also made apartment neighbourhoods a priority area for attention based on its Vertical Poverty report. Among the many actions being undertaken by the United Way is the September 2012 release of the report "Strong Neighbourhoods and Complete

### Table 2

Comparison of Activities allowed in Mixed Use Zone versus Residential Apartment Zone in the Current City of Toronto Zoning				
Activity Mixed Apartment				

Activity	Mixed	Apartment
Dwelling	YES	YES
Clothing Store	YES	NO
Bank	YES	NO
Coffee Shop	YES	NO
Accountant	YES	NO
Drug Store	YES	NO
Patio	YES	NO
Art Gallery	YES	NO
Place of Worship	YES	NO



Communities: A New Approach to Zoning for Apartment Neighbourhoods" by the Centre for Urban Growth and Renewal. This report outlines specific policy barriers for achieving more complete and well-served communities in apartment neighbourhoods, and outlines policy alternatives.

#### Opening the door to change

One of the common themes that run through all of the recent reports and initiatives is the need to unlock apartment neighbourhoods from the planning rules that currently constrain them, and to open the door for change. In response, the City of Toronto Planning and Growth Management Committee requested City Planning to consider approaches for reforming the zoning in Toronto's older apartment neighbourhoods and removing regulatory barriers to small-scale commercial and institutional uses. Given the imminent release of the city's comprehensive zoning by-law, the timing was fortuitous.

City Planning, working with the city's Tower Renewal Office, the United Way and the Centre for Urban Growth and Renewal, has brought forward a new land use category: the residential apartment commercial (RAC) zone. This new zone allows for a limited amount of retail, service and other non-residential uses on the ground floor of apartment towers with over 100 units. The regulations for the new RAC zone have been established and will be considered by council early in 2013 along with the comprehensive zoning by-law. Where the new zone should be applied will be determined through a subsequent process. The change in use permissions is summarized in table 2.

Creating a new land use category is a rare occurrence in Toronto, where most changes in permitted land uses are either the result of site-specific, owner-initiated, rezoning applications, or city-initiated, area-specific secondary plans. One previous example is the creation of the reinvestment zones in the King-Spadina and King-Parliament areas in the 1990s to encourage reinvestment in those areas and to remove barriers to residential development in formerly industrial areas. Another example is the rezoning of the avenues, which pre-zone the land for mixed use along key sections of major arterial roads. (See table 1.)

The excitement of the new approach being taken with the RAC zone is palpable. Toronto's acting zoning by-law and environment director Joe D'Abramo was quoted in Novae Res Urbis: "We're creating a whole new zoning category. We're

going out to find sites with which to zone them. The last time that was done was when we were doing greenfield stuff... This is quite momentous." (*NRU-City of Toronto Edition*, *October 19 2012*.)

# Next steps

The inclusion of the RAC zone will go before council for approval as part of the new comprehensive zoning by-law in early 2013. After that, the city will undertake consultations about where, specifically, the new RAC zone should be applied. Toronto's Growth Management Committee has asked City Planning to begin this critical step immediately, and to report back to the committee with its findings.

Unlocking the zoning on apartment neighbourhoods is not the only step that is needed to help them evolve into the complete communities that they were always intended to be. A long list of issues and challenges remains, from how building owners can finance improvements, to restrictions on signage contained in the Toronto Sign By-law, to supporting micro-business development. But the new RAC zone represents a critically important first step. As with The Kings, this updated zoning is about removing barriers, allowing things to happen legally which are currently happening illegally—such as tuck shops with doors to the outside, home businesses, or outdoor markets—and removing the regulatory hurdles that are currently holding back reinvestment potential in these neighbourhoods.

The ground-breaking work being done in Toronto may also hold lessons for other communities in Ontario. After all, with nearly 1,000 of these buildings located elsewhere in the Greater Golden Horseshoe, how to re-think their permitted range of land uses is an issue that many more municipalities should be wrestling with in the years to come.

Elise Hug, MCIP, RPP, is a project manager with the City of Toronto's Tower Renewal Office. Graeme Stewart, M.Arch, MRAIC, is an associate with ERA Architects where he leads research and design related to tower renewal. Jason Thorne, MCIP, RPP, is a principal with planningAlliance and the OPJ provincial news contributing editor. Thorne and Stewart are both founding directors of the not-for-profit Centre for Urban Growth and Renewal.



Market in apartment tower neighbourhood in Stockholm



s the economy goes through its ups and downs affecting growth in certain areas of the province, recreational properties in cottage country are still much sought after. In many areas, it is difficult to be in a completely tranquil setting without hearing a chainsaw or hammer interrupting the sounds of nature.

In these slower economic times, development and growth can be desirable, but it is not without its impact on the environment. Municipalities have generally been diligent in their construction and site development requirements. Agreements have been updated and in many cases, financial securities are required. Conditions of development and negotiating the details of a site re-naturalization plan can be a time consuming exercise in a front loaded planning process.

Long-term site monitoring, however, has largely not been imposed by municipalities as a condition of development approval whether it be for large projects or single-lot developments. It has been sporadically applied. But, what happens after the security has been returned? Are the mitigating measures effective? Do the plantings need to be augmented? What records does the municipality have regarding the re-naturalization of the property? The reality is that the end of the development process does not garner the attention that the start of the process does.

This article notes the possible environmental impacts of development along the shorelines in cottage country. It examines what is being done today in terms of site monitoring and how this issue is not being adequately addressed. Improvements need to be made to ensure long-term environmental sustainability and this article proposes a methodology by which this can be accomplished.

Environmental impact of development in cottage country

In contrast to the majority of urban development, most development in cottage country fronts onto a lake or river. It may also be in close proximity to a wetland area or other sensitive natural feature. Activities occurring on a cottage country property can have an impact on the receiving water body as the property drains directly into it.

The bulk of the new development on the large Muskoka lakes is in the form of a large dwelling—averaging over 4,000 sq. ft. in the Township of Muskoka Lakes—with a large septic tank and septic tile field, access/driveway areas and parking areas. In some instances this is further enhanced by tennis/sport courts, sleeping cabins, coach houses and storage buildings.

If not properly mitigated or monitored, such developments can have a negative impact on the environment. The removal of tree cover and construction activity can lead to soil erosion, increased stormwater runoff, compaction of soils, impacts to wildlife habitat, and a reduction in water quality. In addition there are the social impacts of visual impact, loss of privacy and an increase in light pollution.

Many studies conducted in Ontario, Maine, Washington State, Wisconsin and Minnesota have come to a number of conclusions when evaluating the impact of development on the cottage country environment. There can be a range of impacts to wildlife—including the loss of deer forage—there can be increased exposure to wind and sun, an increase in sediment loading to the receiving water body, and potential impacts to fish and wildlife habitat.

Having proper mitigating measures in place during construction is necessary. Retaining as much of the shoreline

Above: Long-term site monitoring and tree retention lead to long-term environmental sustainability (Photos courtesy Stephen Fahner) vegetative buffer as possible is imperative. In addition, sediment and erosion control measures such as silt fences, straw bale fencing, and temporary retention areas all need to be in place. Equally important is having properties properly stabilized after construction. In all cases, this requires long-term monitoring which is rarely done on cottage developments.

# **Current municipal practice**

Depending on the sophistication of the municipality, there may be an environmental report completed prior to a rezoning or site plan approval. In the case of Muskoka, the Lake System Health Program denotes the environmental status of a lake depending on its sensitivity to phosphorus or threshold

relationship to development.

Policies in - upper-tier and lower-tier municipal official plans require Water Quality Impact Assessments (WQIA) prior to the creation of lots or development on individual lots on lakes that are sensitive to phosphorus or are over threshold for development. A Water Quality Impact Assessment usually makes recommendations related to the installation of silt fencing, replanting of native vegetation, soak away pits, temporary access roads and stormwater retention areas.

For individual lot development, site plans may

be required pursuant to appropriate policies in the official plans and a site plan control by-laws. Although not normally subject to site plan control, it can be applied to individual dwellings as detailed in a site plan control by-law.

Such by-laws can require the filing of securities to ensure works are completed. Generally this provides an incentive as once the work is completed the security is returned to the proponent. Since most municipalities in cottage country are small, there is usually no holdback for any period of time. Administratively, treasury departments can be challenged as to where to show such entries.

Typical site alteration in cottage country

exemption in the by-law but is, in fact, an exemption in the legislation (Municipal Act S.O. 2001, c.25, as amended, Sections 135 and 142).

Those municipalities relying on site plan agreements as an enforcement tool are left dealing with matters through the court system, as are all other matters under the *Planning Act*. The federal *Fisheries Act* an also be called into play but this would only be for very serious infractions and a proven harmful alteration. disruption or destruction of

fish habitat. Cut backs at the provincial and federal level have also reduced the effectiveness of enforcement of the federal Fisheries Act. The Fisheries Act has also been significantly amended whereby protection of "fish habitat" no longer applies and protection is focussed on "fisheries," specifically those of economic, recreational and Aboriginal importance.

### **Current municipal requirements**

The six area municipalities that comprise the District of Muskoka are arguably the most advanced municipalities in

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# Enforcement

For those municipalities who have site alteration by-laws and tree preservation by-laws in effect, there may be reason to think that they can rely on these by-laws to provide the necessary mechanism to accomplish on the ground mitigation goals. Since municipalities do not actively patrol areas where such by-laws apply, this is a complaint-driven process. Not all infractions are caught and neighbour disputes can result in the municipality spending an inordinate amount of time on a very minor or no infraction situation.

It must also be noted that where a site plan has been approved, the property is exempt from the site alteration by-law and tree preservation by-law. This is not due to an cottage country in the province so it makes sense to consider what requirements they use for site monitoring. The most common tool is a site plan agreement under *section 41* of the *Planning Act R.S.O. 1990*.

None of the Muskoka area municipalities have long-term site monitoring as a requirement in their site plan agreements. This is largely due to the lack of a requirement in the District of Muskoka Official Plan or the local official plans.

Most of the municipalities have requirements or provisions for re-naturalizing sites and utilize securities to ensure the work gets done. Once the work is complete and the security is returned, there is no further monitoring to determine the success rate of control measures and plantings.

In addition, local municipal staff does not have the expertise to do detailed site monitoring. The current economic and political climate would also suggest that local municipalities are not going to be considering an increase in staff at this time.

# What Municipalities Can Be Doing

On the surface, one would think that municipalities should be hiring, or contracting, appropriate qualified professionals to monitor sites under construction. As an alternative this could be added to the duties of building inspectors who are onsite at various times. This, however, raises a number of concerns.

There is a lack of expertise in the area of site monitoring and there would be an additional expense to training building inspectors in this matter.

Although the time during construction is critical for site monitoring, the period after construction is equally important. However, after construction is complete, the building inspector is no longer onsite. Further, the timing of Building Code inspections is different than those related to the clearing of the site, altering drainage and planting greenery. Monitoring would reduce the ability for the building inspector to do his/her core function of inspecting buildings and the *Ontario Building Code* has become exceedingly complicated over the last few years. This all adds to the administration of a file and potentially increases the costs to the municipality. It would also mean additional liability be taken on by municipalities.

Policies for long term monitoring need to be embedded in local and upper-tier planning documents. This can then be transferred to implementation documents of consent agreements, site plan agreements and conditions of approval (e.g., minor variances, development permits).

In addition, municipalities who have not utilized securities should start doing so. Consideration needs to be given to a graduated release of the security in conjunction with a longterm monitoring program.

#### An Innovative Approach to private sector involvement

Since the downloading of provincial responsibilities in land use planning in the mid-1990s, municipalities have been charging proponents for the costs of plan reviews. The same can be applied to long-term monitoring. This, however, will likely not go without a challenge.

Consider that most of the people coming to cottage country and building their dream cottage or summer home emphasize their love of the environment and country ambiance. They should be approached about funding a long-term monitoring system for their property. In the end they should be able to hold their property as a model for future development on their lake.

We propose a monitoring program during construction and for a period of up-to-five years after the completion of construction on the property (*see sidebar*). The result will be the filing of a report twice every year complete with photographs. The report itself will be brief, completed in a checklist format with further explanations where required. In this way long-term site monitoring will lead to long-term environmental sustainability. In cottage country this is necessary to be successful stewards of the lakes and its surrounds for future generations to come.

Stephen Fahner, B.A. (Hon.) A.M.C.T., C.M.M.III, MCIP, RPP, is recently retired as the planning director with the Township of Muskoka Lakes after 24.5 years and has now opened his own consulting firm—Northern Vision Planning. He can be reached at 705-645-6420 or <u>fah@vianet.on.ca</u>. Dirk Janas B.Sc., is a senior ecologist at Beacon Environmental. He has more than 14 years of experience as an ecologist and environmental consultant with a broad range of project experience in both the public and private sectors. His expertise includes Species at Risk, wetlands, impact assessment and natural heritage planning.

# Proposed monitoring program

Initial Site Conditions—vegetation cover / inventory, slope analysis / drainage, soil type / depth, foreshore area, photographs

Development Proposal—Main / Accessory Structures, Septic System, access / Driveways, Patio / Deck / Stairs

Mitigating Measures—Sediment Control, Tree Banding, Temporary Construction Routes, Soak Away Pits, Retention Pond, Site Re-naturalization

Initial Construction Phase—Sediment Control, Tree Banding, Construction Routes, Temporary Ponds, Photographs

Primary Construction Phase—Sediment Control, Tree Fencing, Foundation Drains, Photographs

Post Construction Phase 1—Install Monitoring Measures, Sediment Control, Tree Assessment / Survival Rate, Final Grading / Drainage Control, Soak Away Pits, Final Retention Pond, Removal of Temporary Measures, Re-naturalization, Photographs

Post Construction Phase 2—Record Indicators (Monitoring measures), Assess Re-naturalization Success Rate, Reinstall Measures / Replant Where Necessary, Photographs

Post Construction Phase 3—Record Indicators (Monitoring Measures), Assess Re-naturalization Success Rate, Reinstall Measures / Replant Where Necessary, Photographs

Post Construction Future Phases—Repeat phase 3 twice every year for up to 5 years.

# Building stories about heritage assets

# **Community voices**

### By Kayla Jonas Galvin and Lindsay Benjamin

arlier this year, a new website and mobile application launched that enables Canadians to take a direct role in identifying important community heritage assets. <u>Building Stories</u> is an incredible new online resource making publically available thousands of original documents, photos and historical records from communities across Canada.

The development of Building Stories adds significantly to the tools available to engage the public, convey the importance of heritage and build community confidence. It can help communities identify properties to place on municipal registers, identify potential Heritage Conservation Districts and Cultural Heritage Landscapes and expand the conservation movement's volunteer base. Director of the Heritage Resources Centre director Dr. Robert Shipley states:

"Through being able to use the inventory tool in a web-based and interactive way, it will allow communities and individual citizens to take a direct and active role in identifying the significant and valued structures that make up such a vital part of the country's heritage assets. There has never been anything like this and the result will be to magnify and expand both interest in, and understanding of our built environment."

Many different groups will find the site helpful: volunteers and heritage supporters can identify and record sites of value to them; tourists visiting Canada can search sites and tours and are invited to provide digital photos; and planners and academics can add sites from their projects and use the website for research.

# **Relevancy for Planners**

The Building Stories system is broken down into a number of clearly defined data categories. The significance section may have the most relevance for planners as the data entry form meets the criteria of *Ontario Regulation 9/06* (an addendum to the *Ontario Heritage Act*), as well as national standards set out in the Standards and Guidelines for Historic Places in Canada. Thus, information added to the site by the public or volunteers can easily be used for researching buildings, and could contribute to designation by-laws for historic sites or municipal register listings. Also, municipalities can easily enter sites as the data entry fields apply to the content in many cultural heritage studies and reports.

The site is also a useful tool for public consultation as it allows for public input and crowd sourcing. A portal can be customized for individual municipalities to engage the public, and can be used for reviewing sites to nominate to the municipal register. The site is also an effective way to visually represent a municipal register; in fact the first phase of the Hatlon Hills Municipal Heritage Register has already been added to Building Stories site.

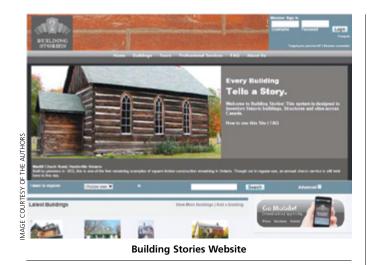
The public nature of the site means that planners can use Building Stories to determine the resources most valued by their community. Clusters of resources could indicate a potential Heritage Conservation District or Cultural Heritage Landscape. This is the case in the Westmount neighbourhood in Waterloo and Kitchener where several hundred individual properties have been added.

# **Adding Sites**

Users decide which places they think are significant and why. Sites added to the Building Stories inventory are mapped and require at minimum an address and one photo. Users can then add additional commentary about the history, design and context of the property. Stories that give the place its



**Building Stories Mobile Application – List of Tours** 



meaning can also be included in this section. Entire statements of significance can be added if available. In addition, documentation such as current and historic photographs, audio files, video files and copies of important documents (e.g., drawings, leases) can be uploaded. Characteristics of specific buildings may be entered using the recognized Canadian Inventory of Historic Buildings Iconography depicting simple pictures of architectural and/or design features. Walking, driving or event tours (e.g., Doors Open) can be created by selecting properties of interest and can then be shared with the community at large. All sites entered on Building Stories go through a review process to ensure quality control. Municipalities or organizations can also become group users and can manage the content contributed by their members.

# **Mobile Application**

The mobile application is perhaps the most innovative aspect of the Building Stories tool. It takes the information and places it (literally) into the hands of users. The application is free to download for Blackberry Torch, iPhone and Android. Users can see the closest sites to their current location, as well as the closest walking, driving or event tours. Tours take users from point to point and can provide detailed directions through the use of Google maps. Those who have registered online can also sign in to the application to capture sites in the field.

# **Current Activities**

In the six months since Building Stories launched there have been almost 900 sites added. Every province and territory in Canada is represented. Currently, Ontario has the most entries, with a range of buildings as well as bridges, lighthouses, plaques, statues and demolished sites.

Plans are in the works to expand participation throughout Canada. In addition, engagement tools are being developed for students at all levels including a video for primary and high school students demonstrating the site's use, as well as activities for post-secondary level students.

# Connect

You can connect with Building Stories online at <u>www.</u> <u>buildingstories.co</u>, through Facebook at Building Stories or via twitter @bldg\_stories.

Kayla Jonas works at the Heritage Resources Centre and is the Building Stories project manager. She is currently pursuing a Masters in Planning at the University of Waterloo and writes about her work at <u>www.adventuresinheritage.com</u>. She can be reached at <u>kajonas@uwaterloo.ca</u>. Lindsay Benjamin also works at the Heritage Resources Centre as a Heritage Planner and is also pursuing her Masters at the University of Waterloo's School of Planning. She can be reached at <u>lebenjam@uwaterloo.ca</u>.



Building Stories Team: Kayla Jonas Galvin, Dr. Robert Shipley, Lindsay Benjamin



# Niagara Region Employment Lands

# **Strategies to increase density**

By Kelly Martel

ools to increase density on residential lands are well established and understood; however, there has been little research to date regarding tools to increase employment density. A scan of literature on the topic shows that the predominant concerns throughout North America deal with preservation of employment lands from conversions to other uses, and not with tactics to increase density on designated employment lands. Since employment lands play an integral role in the prosperity of a community, a better understanding of available tools to increase employment density on employment lands is critical to achieving social and economic health.

To plan for growth in a way that "sustains a robust economy, builds strong communities, and promotes a healthy environment and a culture of conservation" the *Growth Plan for the Greater Golden Horseshoe (2006)* establishes minimum gross density targets to be achieved by 2031. To reach these targets, municipalities must begin to consider strategies to increase employment density within designated employment lands.

Many of the tools that can be used to increase density are technical or regulatory in nature and can be initiated at the local level through municipal zoning by-laws. Other tools include incentives, which increase density in employment lands by encouraging desirable uses and discouraging undesirable uses, and capacity building strategies, which allow for an improved understanding of business, economic and development context to inform policies for intensification. The application of such tools has the potential to foster better policies and land use decisions regarding intensification of employment lands.

To test these tools, an analysis was undertaken of the work done on the Niagara Region Gateway Employment Lands. Acknowledging that the employment lands within the gateway represent a unique opportunity for development, as the cluster of lands covers 2,000 hectares in five municipalities, Niagara Region has applied some of these tools to increase density in the gateway.

The region's strategic direction for the development of

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P.O. Box 221 Peterborough ON K9J 6Y8 (705) 741-2328 • Fax (705) 741-2329 Email: tmrplan@bellnet.ca employment lands within the gateway is designed to "attract investment and promote employment growth in strategic locations...to transform the collection of vacant lands into a diversified mix of vibrant, attractively designed, accessible and sustainable employment areas."

In addition to regulatory tools, such as severance, plan of subdivision, and the introduction of sensitive uses as a means to increase density within gateway employment lands, the region is undertaking a number of initiatives to implement its strategy for the gateway lands. It is preparing urban design guidelines for six priority areas within the gateway as well as a variety of incentives as a means to attract investment and intensification. A Community Improvement Plan is in its final stages of adoption which includes a tax increment based grant to projects within the gateway CIP based on performance criteria associated with a scoring system. A

The predominant concerns throughout North America deal with preservation of employment lands from conversions to other uses, and not with tactics to increase density on designated employment lands.

development charges grant program is also available to projects deemed to be exceptional, meaning they have scored high on the performance criteria. Another tool intended to increase density on employment lands is the institution of a development permit system intended to streamline the development process and draw potential employers to the designated areas.

To build capacity the region has also reached out to key opinion leaders in real estate, development and the design and construction industries, seeking their expertise and guidance in matters pertaining to employment lands development. In addition cross-border partnerships have been formed as a way to improve economic development and intensify employment lands on both sides of municipal boundaries.

To attract businesses and employers to designated areas the region has developed a marketing strategy. In this way it hopes to intensify use of employment lands by targeting prospective businesses, identifying the benefits of locating on employment lands in Niagara over employment lands elsewhere, and increasing awareness of the gateway and its opportunities.

Kelly Martel is a student planner at Niagara Region, an M.Pl. candidate at Queen's University, and the 2011-2013 Queen's University OPPI student representative. She can be reached at kelly.martel@niagararegion.ca.

**Excellence in Planning Award Winner** 

Seneca College Campus Master Plan

# **Building a Bold Vision**

By Antonio Gómez-Palacio with Craig Applegath

Campus Master Plan is, and should be, an exciting process for any post secondary institution. That's why it is critically important to develop a plan and a process, which ensures that the immediate spatial needs of the institution are met, and enables the educational community to craft and realize a larger vision. This holistic approach underpins all of our campus planning projects, including our recently celebrated work with Seneca College, for the Newnham, Markham, and King campuses.

Preparing the first Seneca College Campus Master Plan in four decades represents a seminal moment. Tremendous change and evolution over a 44-year period precipitated the need for a more comprehensive, sophisticated and sustainable approach to the development of the college's campuses. Also, as true post-secondary leaders, Seneca College was not solely driven to develop a plan to address its immediate space, infrastructure and growth needs. It understood the plan's potential to help it build a bold vision.

This is where our story begins.

Together with Seneca College, we sought to create a plan that would support the development of a "living campus." By this we mean creating an ideal learning environment with both tangible and intangible components, which welcomes students, employees, business partners and neighbours to enrich the overall learning experience. Such an environment is beautiful and inviting, and includes useable green space, attractive buildings, amenities, areas to meet, study, eat and play, accessible pathways to all campus facilities, and connections to surrounding neighbourhoods.

To accomplish such an ambitious goal it was important to "hear all voices" and deliver on the promise to build a vision.

We began by working very closely with the college community to develop an intimate understanding of its history, goals, strengths and challenges. We then broadened our conversation and engaged a wide range of stakeholders including campus faculty and staff, students, alumni, residents, local community leaders and municipal representatives. Given that this was Seneca's first campus planning since its inception, the process was strategically aimed at capacity building, which entailed generating a broad awareness of best practices in campus planning and design, and at building consensus among stakeholders.

Also, it was essential to create a common ground forum where participants from all Seneca campus' communities and departments, including those located elsewhere such as Seneca@York, were able to contribute to a shared vision and realize opportunities for cross-campus synergies. Meetings



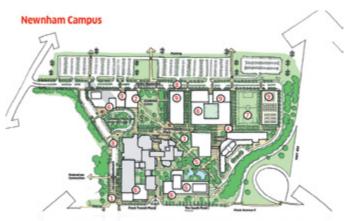


were held within each campus setting, to address unique strengths and challenges. This inclusive and holistic approach ensured that stakeholders' sitespecific needs were addressed, while highlighting synergies and promoting a unified vision.

Several best practices emerged throughout the process. For example, we recognized that generating student participation is always a challenge in public consultation events. Consequently, we

decided to host the first kick-off event in a student operated and managed hub. In a familiar context, students felt extremely comfortable participating in the event. Interactive materials were used as nonintimidating tools to encourage students and other participants to provide input. The success of this event empowered students and staff to utilize the interactive panels at other student forums, garnering further feedback and interest.

The momentum of this event carried over to an alumni cocktail reception, where we seized the opportunity to engage champions by bringing along our interactive panels. As supporters of future college initiatives, we felt it would be advantageous to engage this stakeholder group early on in the process and encourage alumni to take part in



crafting the vision. This was an essential strategy in terms of positioning the plan for successful implementation.

Fourteen months, 10 public events, and hundreds of excellent ideas later, we transformed a collection of ideas, needs and aspirations into three unique, diverse and inspiring campus master plans. Completed in January 2012, the Seneca Campus

Master Plan articulates a strong vision for each campus. It is informed by the tenets of sustainable community planning and development frameworks that harmonize built form, open spaces and mobility. It responds to the environmental, social and economic issues affecting each campus and the larger community. It translates Seneca's academic and community aspirations in an actionable, unified and hopeful vision.

Both Antonio Gómez-Palacio, Arq. MES, MCIP, RPP, MRAIC, and Craig Applegath, Architect, PPOAA, AIBC, FRAIC, LEED®AP are principals of DIALOG. For profiles of the winners and a video of the press conference, go to http://ontarioplanners. ca/Knowledge-Centre/Excellence-in-Planning-Awards.



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# LAKELAND DISTRICT

# Dan completes the street

By David J. Stinson

C omplete Streets advocate Dan Burden once again graced us with his wisdom and wit early this November. Escaping just ahead of the devastation of Hurricane Sandy, he made it to Ontario in time to be awarded Honorary Membership in OPPI at the World Town Planning Day press conference. But in between, he also managed to conduct walking audits of Stayner, Bradford, Bracebridge and Coldwater, with wrap-up workshops in both Barrie and Bracebridge.

Dan led participants to observe the streets Jane-Jacobs style, offering tips about the size of signs for older drivers, the ¼" curb maximum for wheelchairs, sidewalks on both sides of a street, crosswalks for schools, etc. He often pulled out a tape to measure the street, indicating the ample room for parking, cycling and motorvehicles. He astounded most of us when he asked that we huddle around him in the middle of a four-way intersection. We watched in amazement as several cars approached, slowed down, and carefully made their way around the impromptu, human-traffic circle. Apparently, Seattle has reduced crashes by 93 per cent with the installation of mini-traffic circles on existing intersections.

There were bumper sticker moments: "Cars don't buy anything, people do." He stressed that the retail life of a street improves with slower traffic, encouraging drivers to stop and shop, thus boosting the economic performance of downtowns. There were the humorous anecdotes and there was inspiration: Einstein is reputed to have developed many theories while cycling; and we now know that students who walk get 20 per cent better marks.

Dan challenged us to reconsider the reasons for established practice, noting, for example, that standard road widths were often determined according to the size of military vehicles, not the needs of cars, bicycles, let alone pedestrians. Dan's Walking 101 videos can be viewed at www.walklive.org/project/videos/.

Thanks to the Simcoe Muskoka District Health Unit, Simcoe County and Muskoka District for inviting "one of the six most important civic innovators in the world" (*TIME*, 2001) to visit our communities.

Dan Burden was made an <u>Honorary</u> <u>member</u> of OPPI November 8. David J. Stinson, MCIP, RPP, A.Ag., is the OPPI Recognition Representative for the Lakeland District and is a partner in Incite Planning. He can be reached at <u>dave@inciteplanning.com</u>.

**EASTERN DISTRICT** 

# Cities, place and cyberspace

By Katie Morphet and Per Lundberg

**E** astern District was again pleased to support the Urban Forum Lecture Series in Ottawa which welcomed Pulitzer Prize winner and architecture critic Paul Goldberger for a discussion on cities, place, and cyberspace.

In Kingston, the Queen's University School of Urban and Regional Planning hosted a World Town Planning display/ information table. Many people were engaged by the displays including students requesting further information about the planning program.

Per Lundberg is the Queen's first year representative on the Eastern District committee and can be reached at <u>per.lundberg@queensu.ca</u>. Katie Morphet, MCIP, RPP, is the secretary on the Eastern District committee and can be reached at <u>kmorphet@jlrichards.ca</u>.





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# Quality Professionals. Quality Practice.

# **Positioning OPPI for the future**

By Mary Lou Tanner

PPI members recently supported two key initiatives that advance the planning profession in Ontario: Continuous Professional Learning and a new structure to implement Council's vision for the future of the planning profession in Ontario. Together, these make our Institute stronger and position us for the future. Implementing these changes is our next task; let me share my perspectives on where we are going.

Noting the increase in the number of members voting, I am pleased that we had a very good response rate. Indeed, the increase was almost 50 per cent greater than the usual voting turnout. That being said, a positive vote of 64 per cent of the ballots is not overwhelming. With the mandate to implement the initiatives achieved, it is now Council's responsibility to move forward in a manner that reflects members' perspectives, both those who supported the ballot and those who did not.

Mandatory Continuous Professional Learning is an initiative that I strongly support. It is a commitment to our collective practice and our individual advancement. The discussion of the past several months has shown positive support for the initiative although not without some trepidation. OPPI's CPL program is designed to support members in their individual learning choices. First, determining learning units (LUs) is straightforward: one hour of learning equals one learning unit. Second, there is no need to have OPPI "sanction" an event or a reading for learning units. Members may choose the learning that suits their career paths and their specializations in planning. You choose your learning and you apply the one hour guideline. Third, although reporting leaning units as they are attained will be necessary, there will be no CPL policing. Working on an honour system, OPPI will audit a few members to assure compliance.

OPPI represents over 3,500 practicing planners, half of the national membership of CIP. The program is designed to reflect the realities of professionals working in diverse areas.

Recognizing that no program is launched with absolute 100 per cent perfection, OPPI's CPL program is designed to give Council flexibility to make adjustments. Share your view on

what the program looks like and how it is being implemented so we can finetune.

OPPI Council has a new structure: a smaller Council supported by committees assigned to key priorities and initiatives, in partnership and supported by OPPI staff. This is a big change for our Institute and will be implemented on a priority basis over the next two years.

For me, the most important priority is our Districts. Some of you will recall that I worked on the restructuring of the former Central District into four new Districts, increasing OPPI's Districts from four to seven. It was the right thing to do; the strength of our new Districts and the volunteer leadership in all Districts is self-evident. Our Districts will continue to be one of our strongest networks for members to learn, engage, discuss and develop their own community of interest and practice. We must ensure that our new structure provides, supports and enables cross-District discussion at all levels. Operationalizing these opportunities in ways that meet the needs of District members and achieves the goals set by Council is my highest priority.

These initiatives have taken a tremendous amount of work and I want to express my thanks to former and current OPPI Council members, staff, volunteers and members for their support and hard work. We welcome your views and ideas as we move forward on implementation. Let's keep this conversation going—together we will build the "new" OPPI.

Mary Lou Tanner, MCIP, RPP, is OPPI President. She is also associate director, regional policy planning with Niagara Region's Integrated Community Planning Department.

# LETTERS TO THE EDITOR

Members are encouraged to send letters about content in the Ontario Planning Journal to the editor (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.





Mary Lou Tanner

# Commentary

The following two articles continue the conversation that was started in the last issue of OPJ about challenges to implementing the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan.

# Implementing the Growth Plan

# The Challenge of Change

By Victor Severino

he Greater Golden Horseshoe is the economic engine of Ontario and of Canada. This region accounts for 70 per cent of Ontario's Gross Domestic Product and is currently home to one in four Canadians. This trend will continue, with the region expected to grow to a population of nearly 13.5-million people and 6.2-million jobs by 2041. Good planning is essential to managing this growth in a way that supports a strong, resilient economy and vibrant and environmentally sustainable communities.

The Growth Plan for the Greater Golden Horseshoe, 2006, is part of a suite of policies put in place by the Government of Ontario to ensure a healthy, prosperous future. Together with the Greenbelt Plan and the Metrolinx Big Move Plan, the growth plan helps create compact, transit-oriented communities and protects valuable green space and farmlands. Supported by the province's infrastructure investment plan, this coordinated approach helps to reduce infrastructure costs and makes better use of public funds.

# How is the growth plan doing?

A July 2011 progress report by the Ministry of Infrastructure indicates that the region's urban land supply is being used more efficiently than previously observed. Greenfield developments are being planned at higher densities than before 2006 and nearly 70 per cent of new housing units added to the region between June 2009 and June 2011 were located in existing built-up areas. In addition, while single-family homes continue to comprise a significant share of the housing stock in the Greater Golden Horseshoe, data show a shift in the types of housing being offered with more apartments, row houses and townhouses being built since 2006 than in the five years prior.

It takes many years for developments to be planned and built. Thus it is likely that many of the units built since 2006 were approved before the growth plan came into effect. Therefore the trends being reported are probably the result of many factors: consumer preferences, economic conditions and changes in public policy, to name a few.

# How is the housing market doing?

Compared to other jurisdictions in North America, this region has weathered the economic downturn well. In 2010, the number of building permits issued in the Toronto region was 17 per cent higher than in 2009 and nearly back to 2008 levels. By comparison, many U.S. jurisdictions that experienced rapid housing growth over the past 10 years showed 2010 building permits still well below 2008 levels.

Real estate prices have also remained robust compared to U.S. jurisdictions where indices showed a 40 per cent decline in housing prices between 2005 and 2011. In that same period, housing prices in the Toronto Census Metropolitan Area increased approximately 25 per cent. It is worth comparing this increase to that of other Canadian metropolitan areas such as Vancouver (+59%), Calgary (+52%), Ottawa (+31%) and Montreal (+39%).

To accommodate the people and jobs that are coming to the region it is expected that some of these lands outside of the greenbelt may be re-designated for an urban use.

It is also important to emphasize that the cost and affordability of housing are complex issues, influenced by many factors, including the general health of the economy, income levels, availability of financing, interest rate levels, cost of construction material and labour costs, land values and development fees and charges. According to Statistics Canada, the land price component of new house costs in the Toronto Census Metropolitan Area has remained relatively stable over the past five years. In contrast, the house price component—including materials and labour—has risen steadily over the same period.

### Growth plan policies and urban land supply

The growth plan was put in place to maximize the benefits of the region's rapid population and economic growth, while minimizing negative impacts. One of the plan's objectives is to make more efficient use of urban land to ensure a healthy land supply well into the future.

Ontario's planning policies require that municipalities plan for land needs to accommodate growth for up-to-20 years in the future. As of June 2011, municipalities in the Greater Toronto and Hamilton Area had a supply of about 227,000 hectares of already built-up land plus 51,800 hectares of designated greenfield land to accommodate future urban uses. As well, these GTHA municipalities have approximately 55,000 hectares of rural and agricultural lands within their municipal boundaries that are not part of the greenbelt.

To accommodate the people and jobs that are coming to the region it is expected that some of these lands outside of the greenbelt may be re-designated for an urban use in the future. Any re-designation must meet the policies and processes set out in the growth plan, the *Provincial Policy Statement* and the *Planning Act*.

The regions of Halton, Peel, York and Durham, and the City of Hamilton have assessed their needs for new urban land to accommodate growth to 2031 and have proposed to re-designate between 8,000 and 10,000 hectares of rural and agricultural land for greenfield development. While some of these regional municipal official plans are currently under appeal at the Ontario Municipal Board, it is expected that the supply of urban land will be sufficient to accommodate growth to 2031.

### Planning for the longer term

The Ministry of Infrastructure is currently consulting on a proposed amendment to the *Growth Plan for the Greater Golden Horseshoe, 2006* to extend the population and employment forecasts to 2036 and 2041 and amend related policies. M ore information about Proposed Amendment 2 is available at <u>placestogrow.ca</u>. The Ontario Growth Secretariat is also undertaking additional research and assembling data needed to more accurately measure progress of the growth plan's implementation.

All residents who live in this region have an interest in sustainable, healthy, economically vibrant communities. We look forward to sharing our research findings in the future and to continuing to engage in a dialogue about the right policy framework to achieve the objectives of the *Places to Grow Act*.

Victor Severino is assistant deputy minister at the Ontario Growth Secretariat in the Ministry of Infrastructure.





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# A Legacy Landscape Protecting Ontario's greenbelt

By Burkhard Mausberg

n the last issue, Building and Industry Land Association president and CEO Bryan Tuckey noted that "the world changed" with the introduction of the greenbelt and growth plans. I couldn't agree more, but would only add the one caveat: that it needed to change—the status quo was no longer an option.

The province decided to intervene to guide growth in response to the impacts of the car-oriented, low-density development patterns that had evolved since the 1950s. The impacts included increased traffic congestion and gridlock which in turn led to declining air quality, as well as increased road injuries and fatalities. They included physical and mental health effects, such as increased stress, and rising rates of obesity and related illnesses linked to physical inactivity. Some of Canada's best farmland and local food sources were lost, and wetlands, woodlands, and other natural features were degraded affecting their ability to filter water, protect against floods, and remove pollution from the air.

### The greenbelt: a legacy landscape

These cumulative effects of sprawl led the provincial government to re-engage in planning at the regional scale, and to do it differently than in the past. The *Greenbelt Plan*, a key component of the province's growth management strategy for the Greater Golden Horseshoe, defines where development is off limits. It takes a systems-based approach to planning, protecting more than individual natural features by incorporating the areas that surround, connect and support these features. In particular, the plan ensures that linkages between the Niagara Escarpment and the Oak Ridges Moraine, and with the surrounding major watersheds and lakes, are protected.

The greenbelt was not the creation of one government, or even one political party. In its current form, the greenbelt was built on the efforts of successive premiers dating back



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decades. This has earned the greenbelt the distinction of being both good science and good politics—after all, few public policy initiatives score a consistent approval rating of 90 per cent or more.

The greenbelt also makes a significant contribution to the provincial economy. A 2012 study has found that the total economic impact of the greenbelt alone exceeds \$9.1-billion annually, drawing revenue from the tourism, recreation, forestry and agricultural sectors, and supporting more than 160,000 full-time jobs. This is in addition to the \$2.6-billion per year in economic benefits provided by the greenbelt's rich soil, forests and wetlands that filter our air, clean our water and protect us from floods.

These benefits help the region to attract some of the world's best and brightest. This point was recently emphasized by Halton regional chair Gary Carr when he said that people are attracted to Halton because of the multiple benefits the greenbelt offers—from the farms that offer fresh, local produce to the abundant green space that provides hiking trails, skiing trails, and other recreational opportunities.

#### A richer, greener, bolder greenbelt

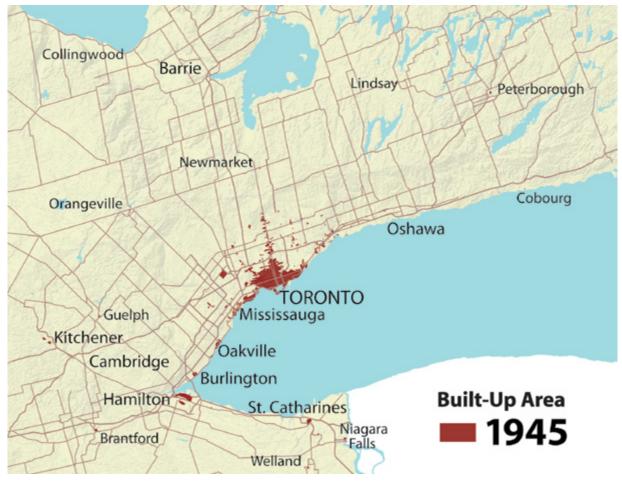
The 10-year review of the *Greenbelt Plan* will provide an opportunity to take stock and identify opportunities to improve the plan, its implementation and its related policies. As with all

policy reviews, it will be important to look at the actual evidence in determining how well the plan is working. There are already some positions being taken that aren't supported by the evidence. For example, BILD wants the province to prohibit municipalities from protecting the so-called "whitebelt" lands from future development. These are the approximately 60,000 hectares that exists within the inner ring of the greenbelt between the protected lands of the greenbelt and those areas already urbanized or designated for development.

However, a review of land budgets for Durham, York, Peel, Halton and Hamilton clearly demonstrates that land supply in the "whitebelt" can accommodate growth for many decades to come—almost 83 per cent of the "whitebelt" remains available for development after 2031. Therefore, it is unnecessary to decide now that the entire "whitebelt" should be urbanized.

Within the approximate 60,000 hectares are ecologically important areas and prime farmland that could be protected by expanding the greenbelt to encompass them. Future residents will appreciate living and working in a region which values and invests in its natural capital.

The potential for the greenbelt to help address future needs makes it even more vital to society. In light of changing global conditions such as climate change, water scarcity, and food insecurity, it is no longer possible to (*Cont. on page 18*)



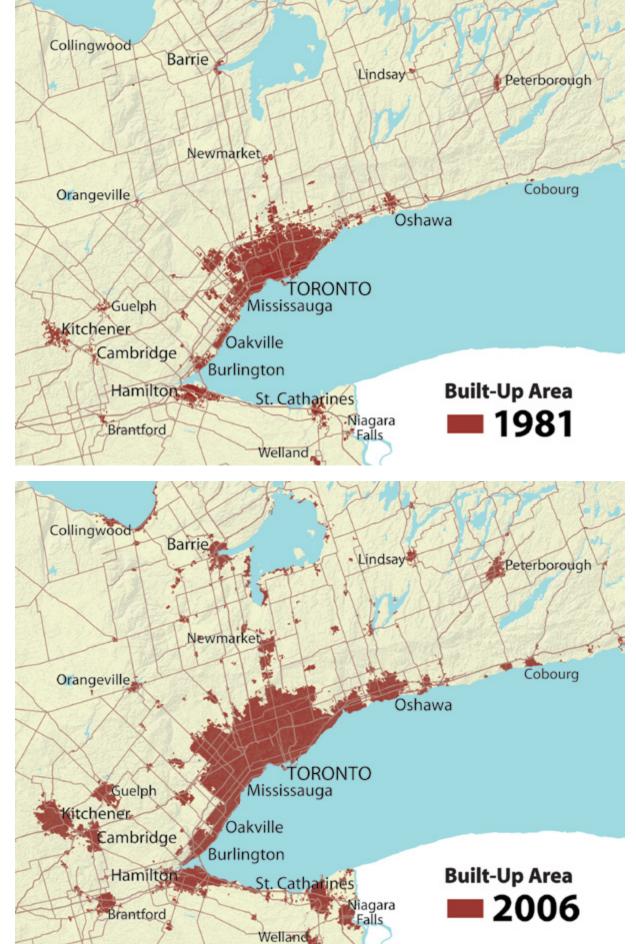
Urban growth in the Greater Golden Horseshoe

#### (Cont. from page 17)

imagine a Greater Golden Horseshoe without a greenbelt. For this reason, the upcoming review will need to consider future challenges to ensure that the greenbelt will continue to help communities grow sustainably.

As CEO and founding president of the Friends of the Greenbelt Foundation, Burkhard Mausberg is a leader in making Ontario's Greenbelt successful and permanent. Mausberg is also CEO of the Greenbelt Fund, a sister organization that works to support and enhance the viability of agriculture and viticulture industries across Ontario and the Greenbelt.

> Images courtesy Chris Brackley, <u>www.atcfc.ca;</u> 2006 data from Neptis Foundation



In print

# Beyond the Global City

Review by Michael Seaman

Beyond the Global City: Understanding and Planning for the Diversity of Ontario Edited by Dr. Gordon Nelson Published by McGill-Queens University Press, 2012

eyond the Global City is a new book edited by Dr. Gordon Nelson, professor emeritus at the University of Waterloo, where he founded the Heritage Resources Centre in the School of Planning. The book, which features contributions from many of Ontario's leading urban and regional planning academics such as University of Guelph rural planning and development professor and former OPPI president Dr. Wayne Caldwell, and University of Waterloo Heritage Resources Centre director Dr. Robert Shipley, whose work has revolutionized the field of heritage conservation planning in Ontario.

Beyond the Global City examines the various geo-regions of Ontario beyond Toronto in term of their historical, natural, social and economic development, and the costs to these regions of the long-term promotion of Toronto as the economic engine of the province. Peterborough County, Muskoka-Georgian Bay, Northwest Ontario, Kingston, Ottawa...and Toronto itself are all featured as pieces of the puzzle called Ontario.

The book considers the influences on the landscape over time and how they led to and influenced each

of Ontario's distinctive geo-regions clearing of the old growth forests, settlement, railways, industry, pollution and environmental degradation. It examines the linkages among regions and the impact of provincial policy over the years, including the current growth plan and *Greenbelt Plan*, and the intent of these policies to halt or reshape the continuous spread of the "Global City."

The reader will emerge with a broader perspective and a fuller understanding of the complexity of Ontario and what can be done to encourage the more sustainable and livable options.

sustainable and livable options. Beyond the Global City is sure to be an instant classic among students, academics and practitioners of Urban Planning in Ontario. It is a useful source of information for natural and cultural heritage enthusiasts as well as researchers.

Michael Seaman, MCIP, RPP, is Planning Director for the Town of Grimsby.





Beyond the Global City

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# **Planet of Cities**

Reviewed by Lana Phillips

Planet of Cities By Shlomo Angel Lincoln Institute of Land Policy (2012) 343 pages

*lanet of Cities* offers a global analysis of cities to provide a frame of reference for considering how and why cities expand. This thesis is considered under four propositions: the inevitable expansion, sustainable densities, decent housing and public works.

The author, Shlomo Angel, considers cities around the globe in both developed and developing countries in order to understand our 'planet of cities'. Angel seeks to provide an empirical basis for growth projections and policy development, and explores the provision of affordable housing in cities of developing countries.

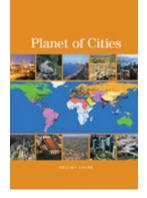
Angel suggests that planning's current approach to accommodating everyone within the confines of existing cities through infill, intensification and densification may not be the best approach as it "puts sustainability on as an absolute end that then justifies all means to attain it." As a result other goals are sacrificed such as employment, quality of life and lifestyle preferences.

The book offers a critical review of currently accepted

approaches to responding to urban growth and expansion and provides a valuable evaluation of cities around the world using satellite imagery and computer programming. Based on a decade of research, 120 cities with populations in 2000 of 100,000 or

more are included. Supplemented by census data and historical mapping, the book includes many coloured photos and graphics showcasing changes over time and visually depicting the concepts of growth, density and fragmentation.

The book concludes with "an urban development strategy that aims to accommodate urban population growth rather than constrict and constrain it." While the strategy recognizes the value of markets in urban land development, it also recognizes the limitations of markets



to provide a hierarchy of public/private open spaces and a network of arterial roads that support efficient public transportation. Cities are "our most forceful signatures on our global landscape" and Angel offers an excellent way to consider the urban growth challenge.

Lana Phillips, MA, MCIP, RPP, is an associate at MHBC Planning in the Kitchener office and continues to explore our planet of cities. She can be reached at <u>lphillips@mhbcplan.com</u>.



# Departments

# **Environment and Land Tribunals Ontario**

# Quashing By-laws for Invalidity

# **Limits on OMB's Power**

By Eric K. Gillespie and Erin Wallace

he Ontario Municipal Board is an independent administrative tribunal which obtains its powers from many different statutes, each of which gives specific authority to the board. It has the power to interpret and apply these statutes and give decisions on matters within the bounds of its jurisdiction.

There are limitations on the powers of the OMB. One of these limitations is that the board does not have the direct

power to quash a by-law for invalidity. Such a power is reserved for the courts which have inherent jurisdiction to hear any matters that come before them, subject to limits imposed by statute. The authority for this proposition was determined by the Ontario Court of Appeal in *Re North York Twp.*, [1960] O.R. 374, where the Court held that "the Board's power is wholly



Eric Gillespie

administrative and it has no concern

with whether a by-law is intra vires or

ultra vires. Its sole function is to consider whether or not a by-law is to receive its approval having in mind the general interest and the intent of the act under which the by-law was passed." (p. 384)

This proposition remains the state of the law today, though subsequent cases have clarified the power of the OMB to determine the validity of a by-law. The Ontario Court of Appeal in *Toronto (City) v. Goldlist Properties Inc.*, [2003] O.J. No. 3931 (QL) reaffirmed that the board has no immediate power to quash a by-law for invalidity, but added the proviso, unless the making of such a determination is "necessarily incidental" to its administrative functions. In *Goldlist*, for example, the Court of Appeal noted that a determination of the validity of a by-law was necessary for the board to decide its jurisdiction. However, such a determination was relevant only for that one specific purpose. The board's decision did not determine the validity of the by-law for all purposes.

To illustrate this point we can look to the decision of the OMB in *the City of Brampton Zoning By-law 139-84* (1986), 18 O.M.B.R. 459. In this case the board stated "to the extent that it is necessary to consider the by-law as validly existing in order that an appeal against it on planning merits may be entertained, the board concludes it

is valid to that extent." In other words, the determination of the validity of the by-law extended only to the extent that it was necessary to determine the planning merits of the by-law and did not concern the validity of the by-law for all purposes.

Section 34(26)(b) of the *Planning Act* outlines the powers of the OMB in by-law appeals stating that on appeal "the Municipal Board may allow the appeal in whole or in part and repeal the by-law in whole or in part. ... " This does not grant the board the power to question the validity of a by-law. There is a distinction between quashing a by-law for invalidity and repealing a by-law on planning grounds.

This issue was dealt with in *Thompson v. City of Mississauga*, (1986), 19 O.M.B.R. 248, where the board stated, "To request that a by-law be 'repealed' rather than 'quashed' (which is clearly beyond the board's power) on the grounds that go to validity is still beyond the jurisdiction of the board despite the use of the word 'repeal'." The board's power extends only to repeal or amend a by-law for reasons related to the planning merits of the by-law. Where the question of the validity of a by-law is a legal issue which must be settled before planning matters can be heard on their merits, the board has no jurisdiction to decide the question and the determination must be made by the courts.

For example, procedural matters such as the sufficiency of public notice prior to the passage of a by-law are not land use planning grounds upon which the board could allow part or all of an appeal. It is true that public input is an important aspect in making a sound planning decision. However, it is necessary to distinguish between substantive land-use planning grounds and procedural issues. The OMB must base its decisions on substantive land use planning grounds.

Section 34(25)(a)(i) of the *Planning Act* outlines scenarios where a by-law appeal will be dismissed without a hearing. It states that the board may dismiss all or part of an appeal without holding a hearing, "…if it is the opinion that the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the board could allow all or part of the appeal...."

In *Commisso's Food Terminal Ltd. v. Welland (City)* [1996], O.M.B.D. No. 593, the OMB considered whether an alleged insufficiency of public notice and public

participation constituted a "land use planning ground" upon which the board could allow the appeal. The board concluded that the question of sufficiency of public notice and participation was a procedural issue, not a substantive land use planning ground, and that since no apparent land use planning ground was raised, the board could dismiss the appeal without a hearing. Ultimately, the issue of public consultation is but one example of a procedural issue which must be dealt with by the courts.

Eric Gillespie and the other lawyers at his Toronto-based firm practice primarily in the environmental and land use planning area. Erin Wallace is an associate at Gillespie Law. Readers with suggestions for future articles or who wish to contribute their comments are encouraged to contact him at any time. Eric can be reached at <u>egillespie@gillespielaw.ca</u>.

# Clarification

# Re. OPJ Nov/Dec 2012 column entitled Qualification of expert witnesses

t is important for professional planners to understand the role of expert witnesses before ELTO tribunals, and the process that must be followed in qualifying those witnesses. At the same time, as a point of clarification members of OPPI and other non-lawyers and nonparalegals should generally not be leading a case before an ELTO board. For OPPI members, there are prohibitions against this from the point of view of the OMB, Law Society of Upper Canada and *OPPI Standard of Practice*.

The OMB Rules of Practice and Procedure stipulate that a "representative" before the OMB is "a person authorized under the *Law Society Act*, R.S.O. 1990, c. L.8 or its by-laws to represent a person in the proceeding before the board, and this includes legal counsel or the individuals that are authorized to provide legal services." These particular rules are interpreted and enforced by OMB panels themselves, so there may be some slightly different allowances from panel to panel.

From the perspective of the *Law Society Act* and the *Law Society of Upper Canada By-law* professional planners in the normal course of carrying out their profession are allowed to provide certain legal services, but not to represent a person in a proceeding before an adjudicative body (such as an ELTO board). However, committees of adjustment are explicitly deemed not to be "proceedings," so here professional planners may represent clients.

The OPPI Standard of Practice for independent professional judgment states that "The Professional Planner in applying independent professional judgment cannot be an advocate of any position other than his or her professional opinion... It is therefore important to distinguish an opinion... from the position of the employer or client even though they may be the same."

BB/EG

# **Professional Practice**

# Public interest takes precedent

# Dear Dilemma,

s a Registered Professional Planner working for a municipality, I recently researched and prepared a report on a complex issue that will likely have significant land use compatibility impacts. My boss, also an RPP, directed me to revise some of the findings of my research, the recommendations, and the proposed official plan and zoning by-law amendments. As a result, the balance between competing interests has shifted and if supported, will likely result in unmitigated impacts, which in my opinion does not represent good planning.

The boss was not pleased when I indicated that I could not include my RPP credentials beside my signature because I do not agree with the conclusions, but accepted my decision, provided I would still sign the report. The boss will also sign the report. Employees here are pressured to do what they are told. Although I want to stay in the boss' good books, I am now having misgivings about signing the report at all. Can you give me any guidance in this matter?

Sincerely,

*—Stuck Between a Rock and a Hard Place* 

# Dear Stuck,

You are not alone in this dilemma. There are often differences in opinions between planners. In fact, these differences encourage healthy debate. But you are right to be concerned when you are being pressured to change your research, recommendations and opinion. I would suggest that when you are having "misgivings," review the <u>Professional</u> <u>Code of Practice</u> as it will often help in deciding what you must do in a given situation.

To begin with, you are incorrect to think that it would make any difference if you signed the report but did not cite your RPP. Since it is a report that you have prepared, in your employment as a professional planner and RPP, and many people reading it will be aware of that, they will reasonably assume that it reflects your professional opinion. This is different from a situation where you, as a private citizen, write a letter regarding a proposed development in your neighbourhood—in that case, omitting the RPP would allow you to express an explicitly personal opinion.

So the issue comes back to whether you agree with the report, whether it reflects your independent professional opinion—and if it does not, whether you can still sign it.

As you know from the *Professional Code of Practice*, your primary responsibility is to define and serve the interests of the public, and to provide full, clear and accurate information on planning matters to decision makers. In the case of a conflict, this responsibility must take precedence over other values in the code (such as acknowledging the values held by employer).

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The Independent Professional Judgement Standard of *Practice* more specifically says that a professional planner should not "be the advocate of any position other than his or her professional opinion...[and must] resist collateral or irrelevant pressure to influence the planning opinion."

It is clear from your question that you have misgivings about the revised report, that it does not accurately reflect your independent professional judgement, and that therefore you should not sign it, with or without your RPP designation.

I would suggest that you consider your options in light of this information, which may include having a conversation with your boss about your position and the provisions of the code. I trust that this will be helpful to you.

> *—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.

# We know how to get through red tape.



# **Professional Practice**

# **Reflections on** Exam A

By Rory Baksh

member of OPPI who had recently passed Exam A approached me recently to share her observations on the experience. She had diligently prepared for the exam and, upon reflection of the entire process, she praised it and recognized its significance. Inherent in her observation was the differentiation between a non-member who is not accountable to any standards and a member who is accountable to the Institute.

"The exam comes at the right time in your career and gives you a chance to reflect on how important our work is; we really do make a difference in people's lives," she said.

Many of us have fond memories of our Exam A interview—while stressful for some, it is intended to be a dialogue among peers that explores the concepts of planning, professionalism, ethics and duty to OPPI. My Exam A experience was such an enjoyable milestone that I signed up

for the examiner's training course and have since sat nearly 100 Exam A's in Toronto, Ottawa, and for CIP International Members. As an Examiner, I have taken great pride in being an ambassador for our profession, warmly welcoming successful candidates to the status of Registered Professional Planner. I have taken even greater pride as a gatekeeper of our profession's standards in the instances when a candidate was not worthy of passing Exam A.



However, OPPI is one of the few professional bodies that use an interview format for its final exam. The vast majority of other professions, especially those that are self-regulated, have a written exam. We planners could argue that the unique and very public nature of our practice requires us to be articulate about planning and our professional opinion, and so the interview format ensures that members are both professionally sound and effective communicators. On the other hand, through my own discussions with other professionals such as doctors, architects and engineers, I have learned that many find it unusual that planners use an interview format for the final exam, raising questions of consistency, rigour and fairness.

As we move forward towards becoming a self-regulated profession, it becomes ever more important that the process to becoming an RPP not only is, but is perceived to be, consistent, rigorous and fair. In short, it is time to move to a written Exam A. And the OPPI Working Group to Develop a Professional Practice Examination together with the National Professional Standards Board are in the process of designing it.

This opens up a new volunteer opportunity: to review candidates' written exams. By contributing to the Institute in this way, you will help to uphold professional standards and demonstrate the planning professions' readiness for self-regulation.

Exam A will continue to be a milestone in every planner's professional career, helping to ensure quality professionals and quality practice.

Rory Baksh, MCIP, RPP, is the OPPI Eastern District Representative and an associate at Dillon Consulting Limited. He can be reached at rbaksh@dillon.ca.

# Social Media & Contemporary Technology

Social Media for Planners Learning the **ABCs** 

By Robert Voigt, contributing editor

his fall I had the opportunity of speaking at the OPPI Symposium in Markham. I talked to a welcoming audience of fellow planners about using social media. The most rewarding part of that experience was meeting planners throughout that afternoon who expressed their new found excitement about the subject. Some shared goals and visions for fantastic new projects, while others proclaimed greater confidence in experimenting with these new ways of communicating. Still others showed their commitment with live tweets of my session and the symposium. It appeared that I was able to meet my



**Robert Voigt** 

own goal of helping the profession evolve and grow by instilling confidence and excitement in my fellow planners.

For a portion of my presentation I used the structure of the alphabet to describe various aspects of contemporary

social media as they relate to professional planners. When we are young children learning to read, we are taught the ABCs. When we have the knowledge of these letters we then learn to recognize words written by others; and, eventually develop the skills to make sentences that describe our own stories. This experience is an analogy for the development, integration, and eventual evolution of social media and online technologies for practicing planners. First one learns about the individual programs/services; then one understands their connections and complexities; and eventually one is able to create new ways of adapting their use for specific planning purposes.

Below is a modified version of the alphabet I presented that introduces a number of interrelated elements of social media. As a personal challenge I have written the information corresponding to each of these letters to be no longer than 140 characters; making them "tweetable" (if you do tweet them please let me know @robvoigt). Insightful web links are included.

# A – Authenticity

Social media in a professional context is not about advertising or branding. Ask "what would I say at the OMB." http://goo.gl/CSeIc

# **B** – Brevity

140 character state-of-mind allows communication to become very refined in content and audience. Get to the point and get your point noticed. http://goo.gl/MZxGw

# C – Community

Social = communities of interest. Create opportunities for self-selecting involvement, word-of-mouth recommendation, self-discovery. http://goo.gl/m6N92

### D – Design thinking

Adapting social media for planning requires observation, storytelling, visual thinking, incremental projects and experimentation. http://goo.gl/Yxrwj

### E – Engagement

Social media facilitates the flow of information in many directions. Change the way you get people involved and they become active creators. http://goo.gl/ovoZj



### F – Fun

Have fun and relax. Using social media tools isn't rocket surgery and they can change your perspective and practice in positive and enjoyable ways. <u>http://goo.gl/ZwQkT</u>

#### G – Give

Most significant game changer is that the vast majority of online information has been generated for free. Give it a try and think of it as collaboration. <u>http://goo.gl/K6JY1</u>

### H – Habitat

If OPPI members are not going to inhabit the social media environment for Planning in Ontario, who will? Others are taking our place! <u>http://goo.gl/UOXMn</u>

#### I – Influence

First you need to influence your organization's culture before influencing the world. Nothing gets in the way of creativity more than someone "in the NO." <u>http://goo.gl/k3fm5</u>

#### J – Jabberwocky

Should online planning discussions be filled with nonsensical information or should OPPI members play an active role? You get to decide—go online!

#### K – Knowledge

Use these tools to express expertise and knowledge in engaging ways, don't just publish the same old reports in a new way—think different. <u>http://goo.gl/XwWrh</u>

### L – Listen and Learn

Social media is equally about the pollination of ideas. The future and the now, are about collaboration, crowdsourcing and open data. <u>http://goo.gl/3f0bO</u>

#### M – Management & Leadership

In the social media world planning needs the third culture of leadership—intentional change, creating emerging properties and systems thinking. <u>http://goo.gl/Rya9v</u>

# **N** – New Planners

Many current and all new OPPI members will use these tools; do you? "If you choose not to decide, you have still made a choice." <u>http://goo.gl/4KIJT</u>

#### O – Observe

Info flows in all directions, with multiple creators of content. Trends and innovation in planning are discussed in real time. Keep eyes open. <u>http://goo.gl/</u><u>qtqtg</u>

#### **P** – Professional Practice

Embrace change. "When you train employees to be risk averse, then you're preparing your whole company to be reward challenged." (M. Spurlock)

### **Q** – Quality not quantity

If you have nothing to say, don't say it online. <u>http://goo.gl/C9DNB</u>

#### **R** – Real-time & Reality

These tools are about immediacy and increasing the number of ways of measuring and assessing the world around us. Consider: How can we as planners use this? <u>http://goo.gl/xEq6H</u>

#### **S** – Stories

Social media is well suited to telling stories. Planners must learn how to understand people's stories and express planning concepts with stories. <u>http://goo.gl/EDaz7</u>

### T – Televise

Opportunities for presenting and analyzing information in ways that include new voices and minds. Welcome their thoughts; they're free and motivated. <u>http://goo.gl/NT2Y1</u>

### U – Uncertainty

Social media is everywhere 24/7. Embrace it for your work. Take musician Andrew Bird's advice: "reckless curiosity is what the world needs now." <u>http://goo.gl/jWmmw</u>

### V – Value

By focusing on freely available resources, smaller communities are able to work in ways that were previously not feasible. <u>http://goo.gl/2oB5v</u>

### W – Work

This is going to take more time than anybody is honestly going to tell you. But, the value proposition makes it extremely worthwhile. <u>http://goo.gl/bALc0</u>

### X – Xtra Opportunities

Planners need to figure out how to adapt social media tools for planning opportunities: these are ways, not ends. <u>http://goo.gl/cFUm2</u>

# Y – You

Participation is critical and one of social media's defining characteristics. Get involved but understand separation of professional and personal. <u>http://goo.gl/Hg2VY</u>

### Z – Zoetic

Social media is the living web. Planners need to be active in this environment, looking to the future; not reactive and falling into the past. <u>http://goo.gl/2W5ZT</u>

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 <u>rob@robvoigt.com</u>, on Twitter @robvoigt, or Google+ and LinkedIn.

# Inspiration from an old log house

### By Michael Seaman

t's a good practice in municipal heritage planning when a heritage building is demolished to document why and how it happened and to look for lessons for the future so that other buildings may be saved. With successes we are less likely to do that, although in the case of Aurora's Petch Log House, which was ultimately preserved, the story of its decade-long journey back from the brink can teach many lessons to inspire and guide similar projects in the future.

After being threatened with loss for so long, it's an inspiring sight in Aurora today to finally see the historic Petch Log house rising again at a new site overlooking the Holland River valley. Although a permanent use is yet to be



Petch House restored in the 1940s, with the assumption that the logs were originally exposed

determined, this historic log home was preserved as a symbol of the Aurora Sesquicentennial taking place in 2013. It is thought that it may one day serve as an interpretive centre for the trails of the Aurora Arboretum as the building sits at the trailhead.

The Petch House is a 25 by 30 foot pioneer home, built of stacked logs, of one of the area's most prominent pioneer families. In fact they named the village, now part of modern day Aurora, near where the house was built "Petchville." Believed to have been built in 1844 it is one of the oldest buildings in the Aurora. It is possible that the building may be decades older as architectural details on the building, such as how the wood was shaped, provide clues to an earlier construction date, possibly as early as 1820.

The Petch House is the only native log house in the town and has long served as a symbol of the lives of the earliest pioneers in Aurora and the surrounding area. Although the house was made of log, architectural clues such as nail hole patterns indicate that the house was probably originally clad in horizontal wood siding. Log walls might be considered quaint and historical today, but in the 1840s they were a sign of low status in early Upper Canada so the family would have wanted to cover them over with siding. The lack of dovetail joints on the corners of the building to lock the logs



Resting at a temporary location on town property on Leslie Street in 2006, awaiting a determination of a further move



Relocation in the early 2000s to make way for a big box commercial development



Petch House being reassembled at a permanent location in 2012, where it will be re-clad in traditional materials



Petch log house being reassembled at the Aurora Arboretum on the banks of the East Branch of the Holland River

together is a further suggestion that the building was originally intended to have wood siding over the logs. It was only in the 1940s when it was decided by the then owner that the house should be "restored" that the log siding was exposed.

In 2003 when the site was up for development it was agreed that the building could move off the site if the owner paid for its relocation. At the time, the *Ontario Heritage Act* did not allow for permanent protection of designated heritage resources from demolition, as it did after 2005.

The building became a focus of community concern. Not all heritage buildings can be saved, but when significant commitments and investments are made towards the preservation of a heritage resource, there emerges a higher level of community expectation that the preservation effort will be followed through to a successful conclusion. The fact that it didn't have an identified permanent home significantly curtailed community efforts to help with this initiative.

Several years later the property where the town was storing Petch House was to be sold and the building had reached a point of deterioration where it was literally now or never. At that moment, in stepped a local heritage enthusiast by the name of Katherine Belrose who was new to the project but who developed an immediate passion for the



Prince of Wales Prize for Municipal Heritage Leadership, awarded to the Town of Aurora in 2008 by the Heritage Canada Foundation

preservation of the building. With her fresh enthusiasm and new ideas she gathered around the table all those who had helped in the initial efforts to preserve the house and formed the Friends of the Petch House to spearhead this new initiative, which was later incorporated through the Architectural Conservancy of Ontario. Through friendly and positive persistence Belrose and her group began to turn things around. It helped enhance their credibility that they made it know that they were aware of the financial realities facing a small municipality like Aurora in the aftermath of

the 2008 economic meltdown, when a proposed \$120,000 investment in the preservation of a log building would have added nearly \$10 to everyone's tax bill.

Given the advanced state of deterioration of the building it was decided that the most effective and economical approach to conservation of the building would be to document and dismantle the building. Each individual log would be restored by an expert



Michael Seaman

carpenter with a history of working with log buildings. Finally in the summer of 2012 it was decided to rebuild the house as part of the town's plans for its 2013 sesquicentennial celebration, on a parcel of land near the Aurora town hall, overlooking the banks of the Holland River. According to Belrose, the upcoming anniversary provided a timeline and a purpose for getting the project done.

The Petch House may be only be a small log building, but it's a real example of how heritage buildings can inspire a community for what they represent—a tangible link with the past, providing a real sense of history and identity to a community. Heritage is something that people of all walks of life value.

Michael Seaman, MCIP, RPP, is a member of the Friends of the Petch House Committee and a former Heritage Planner with the Town of Aurora. He is currently planning director for the Town of Grimsby.

# Student Delegate Update

# Networking & Collaboration

By Adam J. Wright



he start of any school year is always an exciting time and the 2012-13 year is no different. On November 8<sup>th</sup> planning schools had the opportunity to celebrate World Town Planning Day and did so in various

University of Toronto planning students have taken a unique approach in engaging planners-to-be by visiting middle schools and hosting design charrettes with the students. These have been warmly received by students and teachers alike. In fact, the success of last year's events spurred teachers to reach out to the U of T planning students this year to hold the event again. Building on this momentum, the planning schools at York and Ryerson are planning future design charrettes of their own. In addition, other planning schools hosted a panel discussion on community sustainability, held information booths, ran photography-based scavenger hunts, and organized land use planning board games. The diversity of these events highlights the unique and varied



Adam J. Wright

interests of planners and is an excellent indication of the vitality of the planning programs in Ontario.

A major goal of this year's Student Liaison Committee is to highlight the importance of networking and collaboration among planning schools and most importantly among planning students. The committee has formed a Networking and Collaboration Initiative Working group to proactively enhance communication paths and knowledge sharing. As part of this initiative the

working group has incorporated new communication platforms—videoconferencing and social networking tools—to augment traditional teleconference approaches. In addition, the Membership Outreach Committee is implementing a more dynamic approach to student outreach.

To promote and support Ontario planning students, OPPI offers scholarships for undergraduate and graduate planning students. These aim to recognize outstanding research efforts by

planning students and are an excellent source of additional funding. Application deadlines for the Ronald M. Keeble Undergraduate Scholarship and the Gerald Carrothers Graduate Scholarship fall on March 1<sup>st</sup> 2013. For more information refer to the OPPI <u>website</u>.

Moving forward the Student Liaison Committee continues to meet monthly and has various events planned for the New Year. If you have any questions about the working group or liaison committee events contact me the member in your district.

*Currently Adam Wright is studying Rural Planning and Development at the University of Guelph. He has a keen interest in land use planning and public engagement as they apply to resource development processes.* 

# Student scholarship alert

Application details (<u>http://ontarioplanners.ca</u>/) for both the Ronald M. Keeble Undergraduate Scholarship and the Gerald Carrothers Graduate Scholarship are available on the OPPI website. Avoid the rush. Check out the details early.

Completed applications must be received at the OPPI Office (<u>info@ontarioplanners.on.ca</u>) in electronic format no later than 5:00 p.m. on March 1<sup>st</sup>.

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