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* Lines shown are conceptual and not to scale. They are not aligned with infrastructure or municipal boundaries.
Sources: Ministry of Infrastructure, Ministry of Transportation, Ministry of Natural Resources and Ministry of Municipal Affairs and Housing.
*Ontario Regulation 59/05
**Ontario Regulation 416/05

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Lake Erie

Growth Plan for the Greater Golden Horseshoe, 2006



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201 - 234 Eglinton Ave. East,
Toronto, Ontario, M4P 1K5
(416) 483-1873 or 1-800-668-1448
Fax: (416) 483-7830
E-mail: info@ontarioplanners.ca
Web: www.ontarioplanners.ca

President

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

President Elect

Andrea Bourrie, MCIP, RPP
andreabourrie@rogers.com, 416-616-5502

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jleunissen@city.stratford.on.ca, 1-519-661-2500 x5349

Director, Darryl Bird, MCIP, RPP
birdd@mmm.ca, 905-882-1100 x6843

Director, Charles Lanktree, MCIP, RPP
charles.lanktree@ottawa.ca, 1-613-580-2424 x13859

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diana.rusnov@mississauga.ca, 905-615-3200 x5421

Director, Scott Tousaw, MCIP, RPP
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Director, Bob Forhan, MCIP, RPP
bob.forhan@rjforhanassociates.com, 1-905-235-5072

Director, Jason Ferrigan, MCIP, RPP
Jason.ferrigan@greatersudbury.ca, 1-705-674-4455 x4298

Director, Bill Janssen, MCIP, RPP
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Director (Public Interest Representative)
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1-519-326-576101

District Leadership Team Chairs

Toronto, Justine Giancola, MCIP,RPP
jgiancola@dillon.ca, 416-229-4647 x2422

Northern, Donald McConnell, MCIP,RPP
d.mcconnell@cityssm.on.ca, 705-759-5375

Western Lake Ontario, Kira Dolch, MCIP,RPP
kdolch@town.forterrie.on.ca, 905-871-1600 x2502

Oak Ridges, Angela Dietrich, MCIP,RPP
Angela.dietrich@mississauga.ca, 905-615-3200 x5510

Southwest, Maureen Zunti, MCIP,RPP
Maureen.zunti@sifton.com, 519-434-1000 x238

Eastern, Colleen Sauriol, MCIP,RPP
csauriol@pembroke.ca, 613-735-6821 x1301

Lakeland, Brandi Clement, MCIP,RPP
bclement@jonesconsulting.com, 705-734-2538 x224

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Ontario Planning Journal

Editor, Lynn Morrow, MCIP, RPP
editor@ontarioplanners.ca

Art Director, Brian Smith

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PHOTOS: JASON THORNE

Provincial Plan Reviews

De facto agricultural land protection?

By Jason Thorne, contributing editor

According to the Ontario Federation of Agriculture, Ontario loses approximately 100 acres of farmland every day. This is occurring despite the fact that in recent years the province has brought in a whole host of provincial land use planning policies that include among their objectives the protection of agricultural lands.

The *Provincial Policy Statement*, *Growth Plan for the Greater Golden Horseshoe*, *Greenbelt Plan*, *Oak Ridges Moraine Conservation Plan*, and *Niagara Escarpment Plan* each contain policies related to agricultural land protection, but none of them presents a clear vision for agricultural land in Ontario. It would seem to be an ideal time to set out a much needed vision for agriculture: Many of these plans are either under review or soon to be under review. Public interest continues to grow concerning local food and food security, water scarcity, soil erosion and climate change.

In the spring of 2013 the Province of Quebec adopted a food sovereignty policy that, among other goals, seeks to achieve a 50 per cent increase in the amount of locally produced food Quebecers eat. The policy includes measures related to supporting the agricultural sector as well as protecting agricultural land. In Ontario, however, there is no statement in any of our current provincial land use plans about how much agricultural land we actually need in this province, which specific locations should be priorities for protection, or what our goals are for agricultural land protection. Instead, there appears to be an implicit assumption in our provincial plans that the protection of agricultural lands will be an inevitable outcome of better management of urban growth and development, and that this is all that is needed.

In considering how effective provincial policy has been in protecting various land use interests, it is informative to compare the treatment of agricultural lands with the treatment of natural heritage areas. Provincial policy requires the proactive identification of natural heritage systems so that the most important areas can be protected, and their ecological functions maintained, for example. A similar systems-based planning approach is not, however, mandated for agricultural areas, and the fragmentation of agricultural lands continues. The principle of no net loss is well established for natural heritage areas. No similar standard exists for agricultural lands. Likewise, numerous targets have been adopted for natural heritage, such as tree canopy targets, that do not exist for agricultural lands. There is also a track record in Ontario of integrating



Apple orchard, Grey County

natural areas into expanding urban areas, whereas with agricultural lands the expectation is that, once designated urban, the potential for agricultural activity is entirely lost.

Ontario's approach to governing land use also suggests that agricultural land protection is being given a backseat. The Ministry of Municipal Affairs and Housing is responsible for the *Provincial Policy Statement*, *Greenbelt Plan* and *Oak Ridges Moraine Conservation Plan*; the Ministry of Infrastructure is responsible for the Growth Plan; and the Ministry of Natural Resources is responsible for the *Niagara Escarpment Plan* and also its Natural Heritage Reference Manual. Even the Ministry of Environment has its *Source Water Protection Plans* and *Clean Water Act*. The Ministry of Agriculture and Food, on the other



Ideal lands for orchards

hand, does not have carriage over any of the multitude of provincial plans or statutes that deal with land use. And there is no standalone OMAFRA land use policy.

The Foodland Guidelines of the 1970s had clear language advocating for the protection of our best farmland which was, arguably, more stringent than what exists today. They also positioned the protection of agricultural lands as much more of a driver of land use policy in the province. Since then, the management of urban areas and the protection of natural areas have been in the ascendency. Whether this continues through this next round of provincial plan reviews, or whether the protection of agricultural lands re-emerges as a central goal and priority of provincial land use policy, will be critical to determining the fate of Ontario's farmlands. Locally, we are seeing the growth in food charters, local food initiatives, community gardens and concepts such as food system planning, but provincially there has been little initiative to carry these ideas forward into land use planning policies. The upcoming provincial plan reviews present an opportunity to make this happen.



Jason Thorne

Jason Thorne, MCIP, RPP, is a principal with the planning and urban design consulting firm planningAlliance as well as its affiliated architectural practice regionalArchitects. Jason is the OPJ provincial news contributing editor.

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1255 Bay Street, Suite 201 | Toronto | Ontario | M5R 2A9
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PHOTOS COURTESY TRCA

The northern reaches of the watershed, with active farmland. HWY 407 crosses all of this small watershed, fragmenting habitat



Despite scarce natural habitat, a Great Blue Heron colony still survives in the northern reaches of Petticoat Creek watershed

Petticoat Creek Watershed Action Plan

A little on the small side

By Maryam Nassar

When two councillors in the neighbouring municipalities of Markham and Pickering suggested creating a watershed plan for a small watercourse shared by their municipalities, elation mixed with panic set in for local conservation authority staff. Watershed plans for major watercourses in the Greater Toronto Area generally take two years or more to complete, with dedicated staff, comprehensive data gathering and analysis, modelling of various urban build-out scenarios, extensive background studies, intensive mapping exercises, hours of facilitated discussions, presentations, committees, subcommittees, sub-subcommittees, and a whole lot of coffee and muffins along the way.

The watershed planning process for Petticoat Creek had none of those things. In some ways this small river with an unusual name is not a typical GTA watershed: The river system is only 49 kilometres long and the entire watershed a mere 27 square kilometres in size. Over 70 per cent of the land in the watershed is protected through the Ontario *Greenbelt Plan*. A 1990 Minister's Zoning Order protects a significant portion of its rural lands as part of the Duffins Rouge Agricultural Preserve. Part of the watershed is also protected as part of the new Rouge National Urban Park. Despite such protections and its low population of 25,000 people, Petticoat Creek is a typical GTA watershed struggling to stay healthy and ecologically functional. It struggles to overcome the impacts of urbanization on the creek's hydrology and ecology, the age and form of urban development, type of farming practised in the rural reaches, and the extent of the bisecting infrastructure.

Conservation authorities are the primary government organizations responsible for watershed planning. This has evolved significantly over the past decade due to advances in Geographic Information Systems, provincial planning policy directed at controlling sprawl and protecting natural heritage

features, and increased municipal support for natural heritage protection and sustainability planning. While these are positive developments, the resources and time available to dedicate to watershed planning in this complex milieu have not kept pace. Conservation authorities are looking for new ways to undertake watershed planning.

In developing the Petticoat Creek Watershed Action Plan, the Toronto and Region Conservation Authority (TRCA) drew on strong municipal partnerships and sought resources from a variety of initiatives. Previous work at the local and regional municipal levels informed the planning process: official plans, natural heritage studies, sustainability plans, planning studies for regional infrastructure projects, open space, trail/active transportation master plans and the York-Peel-Durham-Toronto groundwater modelling (2006).

Additionally a wealth of data is now available for most watersheds Ontario, thanks to a number of recent provincial policies and plans. This includes Source Water Protection characterization reports and plans (2010), the *Growth Plan for the Greater Golden Horseshoe* (2006), Ontario *Greenbelt Plan* (2005) and *Oak Ridges Moraine Conservation Plan* (ORMCP) (2001).

Since Petticoat Creek's headwaters are not on the Oak Ridges Moraine, there is no statutory requirement under the *Oak Ridges Moraine Conservation Plan* for TRCA to complete a watershed plan. So, this plan was not part of its corporate planning agenda. This meant that unlike most watershed planning processes, no staff was specifically dedicated to this project and the budget was almost non-existent. This was a major challenge, resulting in the plan taking longer than the estimated two years to complete. Patience was an important part of the process, to enable internal staff members who were motivated to help but already committed to many other projects, to accomplish their tasks. Patience from the local



Hikers in Altona Forest, Pickering, where one of the few remaining forest patches in Petticoat Creek watershed, also serves as a popular local recreation destination



"Petticoat" is a variation of "Petite Côte," used by French settlers in the 1600s in reference to the creek mouth where one bank is quite high, and the other side low and flat

councillors who requested the plan was also important, as the process took much longer than expected.

Public consultation remained an important element of the process. One public information session was held early in the planning process. Later, the planning team reported to municipal committees, and conducted ongoing, small-scale consultation by spreading the word through local community groups and publicized the plan's completion on TRCA's website and through a media release.

Rapid land use change in the GTA means that a multi-year planning process cannot effectively keep up with the changes on the ground, available data and larger planning initiatives, which are constantly evolving. An unintended benefit of the slow pace was that knowledge of the watershed and the level of physical data available actually improved over the four year planning process. A positive finding was the amount of information and attention which had been given to this small watershed, despite being in the shadow of two much larger neighbouring river systems.

Now that the [Petticoat Creek Watershed Action Plan](#) is complete, the next challenge is implementation. Recommendations for next steps focus on continuing monitoring programs to increase the database of physical characteristics of the watershed. Petticoat Creek has the advantage of inclusion in TRCA's area-wide natural heritage system and ecological restoration planning for neighbouring watersheds, the Rouge River and Duffins Creek. Recommendations also address improving storm water management to improve water quality. Most of the problematic storm water management infrastructure in the watershed is not yet due for replacement, so water quality conditions will not improve in the short term.

A small investment in watershed planning is worth the effort. When a plan exists, even without detailed technical studies, conservation authorities and other watershed advocates are better positioned to make use of resources as they become available, and to coordinate responses to varied initiatives in a cohesive way. In the case of watersheds where not all of the above resources and conditions are relevant, the take home message is that there is no one-size-fits-all model for watershed planning, nor should there be.

Maryam Nassar is the project manager for Duffins Creek, Carruthers Creek and Petticoat Creek watersheds at Toronto and Region Conservation, where she works on conservation and watershed planning and plan implementation.



Small streams are often difficult to recognise as natural watercourses, versus artificial drainage features. Degraded areas of the stream occur even in rural areas, where much of the vegetation has been removed over time

Connectivity in Toronto's Ravine System

XING

By Aaron Cameron, Michael Chung, Kristen Flood, Megan Ketchabaw, Jenny Kluge, Emily Osborn, Jennifer Roth, and Lauren Sauve

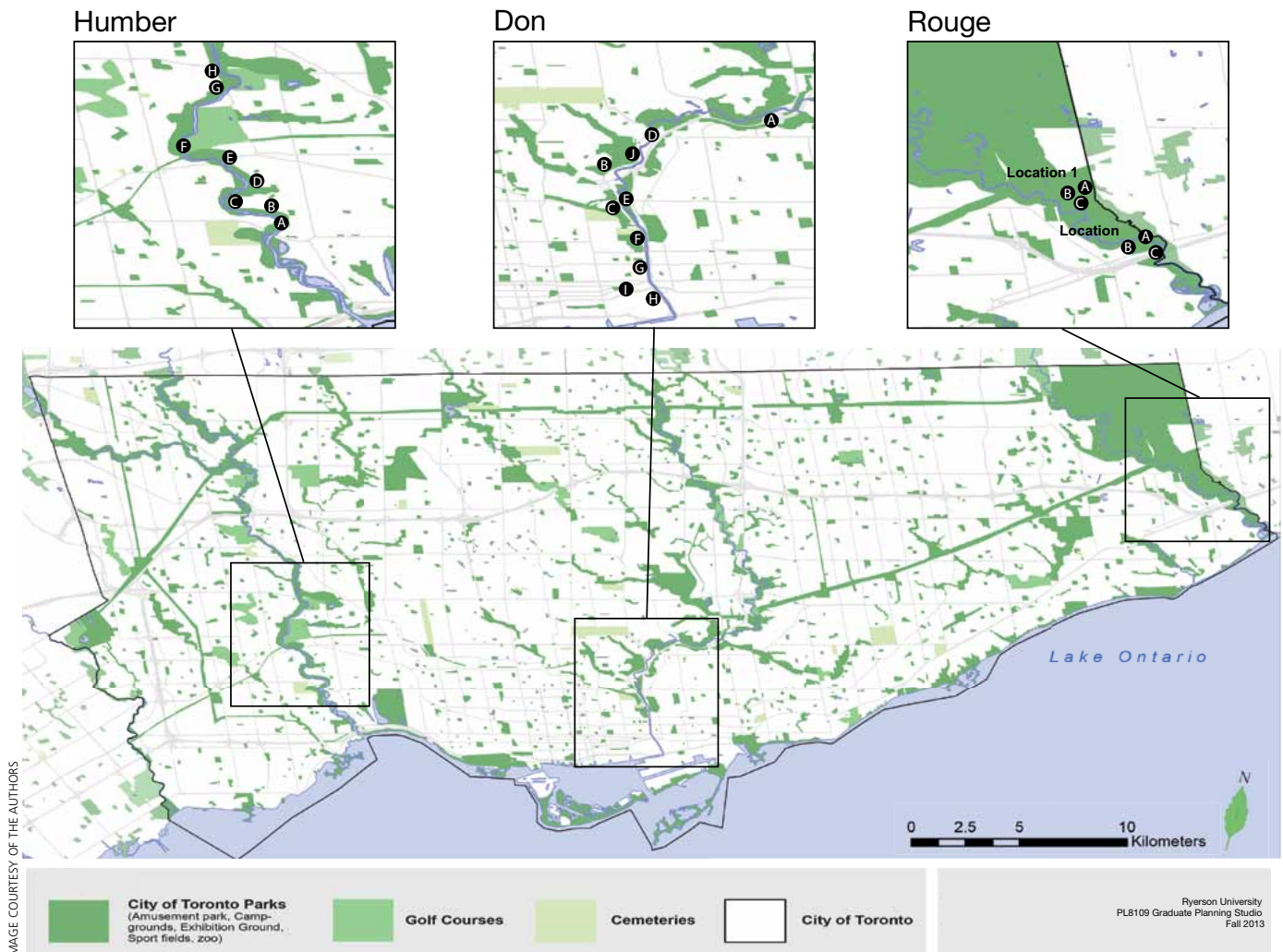
The purpose of the XING project is to develop a large-scale landscape infrastructure and connectivity plan for Toronto's ravine system. Within the context of urban resilience, we have developed transferable ideas for improving connections for both humans and wildlife.

The XING project builds on a master planning and design project that is being undertaken by Evergreen Brickwork, ARC Solutions, City of Toronto, and the Toronto and Region Conservation Authority. It focuses on developing landscape infrastructural design solutions for long-term sustainability and resiliency. The ideas outlined within the project stem from a growing body of knowledge around road ecology, the study of

how roads and the natural environment interact.

Through a mapped study and concept plan, the XING project provides an understand of the inter-related needs for landscape connectivity from ecological and social-cultural perspectives—urban and natural, human and wildlife needs for mobility, urban resilience and sustainable infrastructure. It assesses and analyzes the opportunities and constraints to “blue” and “green” infrastructures that collide, intersect, diverge and converge in the ravines. It proposes a series of designed connections in the ravine systems at key locations, and at various scales in cost, time and scope within the context of urban resilience.

More specifically, the project takes a bird's eye view of the



All potential landscape connections in the City of Toronto. Smaller maps show locations where site analysis was undertaken

ravine system and examines where and how connections can be made between and within the Humber, Don and Rouge watersheds. A specific location within each of the three watersheds was chosen to demonstrate the opportunities for, and constraints to, landscape/ecological connectivity in the ravine system as a whole.

Each specific location demonstrates a failed connection because of human or natural interference, and has been examined to determine how better connections can be made in order to improve resilience within the ravine system, and to ensure each watershed's ecological function is adequately supported. The project also examines how park space, trails, private green spaces (e.g., golf courses, cemeteries, etc.) and hydro corridors contribute to the city's landscape connectivity.

IMAGE: MEGAN KETCHAW, 2013; EDIT: AARON CAMERON, 2013



Rendering of a new pedestrian and cyclist bridge across the Rouge River

The authors are all second year Master of Planning students at Ryerson University.

Integrated planning

XING brings forward the emerging dialogue on landscape connectivity, engaging with the public on the ways in which we collide, converge, diverge and ultimately reconnect. Investigating the tensions at the intersection of people and wildlife, science and design, XING seeks to engage this dialogue to reconnect nature and culture in our growing cities, and ultimately to reweave the shared landscapes we call home. For more information visit www.arc-solutions.org, ebw.evergreen.ca/ and www.ryerson.ca.

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2015 Greenbelt Plan review

Niagara takes proactive stance

By Danielle De Fields and Erik Acs

Growth in the Greater Golden Horseshoe at the end of the last century resulted in agricultural land disappearing at record rates. In response to development pressures and in an attempt to preserve prime agricultural land, the Province of Ontario introduced the *Greenbelt Plan* in early 2005. To keep the plan relevant, it included a policy requiring a 10-year review; 2015 marks the first review of the plan since its inception.

In advance of the 2015 review, Niagara Region and consulting partner Urban Strategies Inc. undertook a multi-faceted review of the *Greenbelt Plan* and the impact of its implementation within the Niagara Region. The area covered by the *Greenbelt Plan* encompasses more than 725,000 hectares of land across the Greater Golden Horseshoe, of which 48,000 hectares are located within the Niagara Region.

The project involved a review of best practice research in other jurisdictions, as well as an extensive public consultation component to establish an informed perspective on the *Greenbelt Plan* as it applies to growth, agriculture, development and the economy in Niagara Region.

Elected officials, the public and community stakeholders were engaged in a series of focus groups, consultation sessions, interviews, online surveys and workbooks. A working group comprising representatives from the agricultural sector, development industry, local and regional planning staff, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission and the region's Agricultural Policy and Action Committee, was assembled to provide advice, local expertise and guidance throughout the project.

Consultation was held in two rounds: The goal of the first was to ask participants “what are the benefits, challenges and opportunities for change related to the *Greenbelt Plan*.” The second round was focused on verifying the accuracy of

feedback and exploring more in-depth opportunities for change. Over 200 participants and 40 local organizations were engaged throughout the course of the project.

Feedback was reviewed and organized into three broad sections: first, the benefits of the *Greenbelt Plan*; second, its obstacles; and third, the challenges and opportunities for change. Six theme areas were identified under the latter section and priorities were established. These six themes and embedded priorities follow.

Make the *Greenbelt Plan* and 2015 provincial review process transparent and collaborative—Participants wanted ensure the 2015 provincial review would be open, accessible and transparent. They suggested that the review include information on the timing and structure to allow stakeholders sufficient time to prepare, participate and comment. Concerns over a lack of clarity in the plan were voiced and suggestions were made to provide clarification in policy and definitions through the review process. An additional suggestion was the creation of a tribunal or formal process to provide clarity in the plan's application and interpretation when conflicts arise.

Introduce agricultural viability as a key objective in the *Greenbelt Plan*—This was the most frequently discussed topic throughout the consultation. Participants sought a clear commitment to the agricultural sector by introducing an objective into the *Greenbelt Plan* that promotes agricultural viability and prioritizes it above other plan objectives. Farmers expressed the need for more support in terms of financial incentives, coordinated strategies to promote agricultural products, and new tools to promote the industry.

Above left: New hospital, City of St. Catharines.
Above right: Cattle grazing, Town of Pelham



Financial supports suggested included investing in the infrastructure of food production and distribution such as irrigation systems and processing plants, using the Niagara Region value-added farm diversification policies to expand and strengthen the plan's value-added farming activities policies, and supporting the development of a Master Rural Community Improvement Plan for Niagara's agricultural communities. Also suggested was support for the results of Niagara's watercourse mapping project, which identifies accurate locations and classification of watercourse features within the region.

Provide for Complete Communities—It was felt that the *Greenbelt Plan* should include flexibility to enable siting and not hinder communities from providing public service facilities such as community centres, EMS stations, recreational facilities and health services to meet current and future growth related needs. This could be achieved through the creation of clear parameters allowing some flexibility to interpret and apply *Greenbelt Plan* policies related to the location of community facilities in the tender fruit and grape area in a manner that reflects local context.

Ensure a streamlined process with greater flexibility in place-specific application—Many participants indicated a desire for provincial policies to be coordinated among ministries related to development, preservation of agriculture and protection of natural heritage systems to ensure consistency in policy definitions, intent, boundaries and mapping.

Concerns that the plan applies a broad set of policies and legislation across diverse areas were also raised. Participants felt that agriculture in Niagara is unique with respect to tender fruit and grape lands and that not all *Greenbelt Plan* policies work in this context. A frequent suggestion involves allowing an element of flexibility in the plan. Comments were specifically related to setback requirements from natural heritage and hydrologic features, naturalization requirements adjacent to farmed lands, the policies around severing lots and a minimum lot size of 40 acres, noting that Niagara typically has smaller farm sizes.

Enhance education and awareness about the distinct nature of Niagara and its contribution within the greenbelt—Members of the agricultural and development communities felt that municipal staff, provincial staff and elected officials lack an awareness of the agriculture sector and its unique contribution within Niagara. This concern seemed to manifest around farm parcel size and the idea that the greenbelt creates an idyllic

vision of agriculture, when in fact it should be considered more like an industrial operation. The issue of farm parcel size came up in many different sessions, with members of the Town of Niagara on the Lake Agricultural Advisory Committee indicating that 75 per cent of farms in the town are less than 25 acres in size.

It was also suggested the need for better public education related to agriculture and the greenbelt. Examples were raised from other jurisdictions where agricultural components are integrated into school curriculum, with suggestions that this would be the easiest way to inform the public about agriculture and food production.

Establish an improved process for determining boundaries—The rationale behind the *Greenbelt Plan* boundary, the natural heritage systems and key hydrologic systems mapping was questioned. Greater education and rationale is needed to clarify how the boundaries are determined. In addition, the inclusion of specific sites in the greenbelt was questioned. In determining their inclusion in the Protected Countryside and within or outside the natural heritage system, consideration should be given to the viability of agricultural parcels. Existing municipal servicing should also be considered when determining boundaries of Settlement Areas.

Niagara Region's greenbelt review involved a broad consultation, capturing a wide array of perspectives on the *Greenbelt Plan*. The identified opportunities for change to the *Greenbelt Plan* speak to regional differences within the greenbelt area. The final report, which can be found on the region's website, was adopted unanimously by Niagara Regional Council.

Daniella De Fields, Candidate (Provisional) member and Erik Acs both work for Niagara Region's Integrated Community Planning department. Danielle is a senior planner and the staff lead on the Niagara Perspectives: Greenbelt Plan Review. Danielle can be reached at danielle.defields@niagararegion.ca. Erik Acs, MCIP, RPP, is the project manager of planning programs and engagement. Erik can be reached at erik.acs@niagararegion.ca.

Above left: Wine grapes, City of St. Catharines.
Above right: Cherry orchard, Jordan Station, Ontario



Bold and cautious

By Tim Smith

Secondary plans will be an increasingly important tool as municipalities across Ontario focus on intensifying their downtowns, nodes and corridors in ways that are “context sensitive.” The challenge in downtown Guelph was to develop a plan that encourages significant intensification—50 per cent more density is needed to meet the *Places to Grow Act* target—while respecting the unique sense of place established by the city’s historic fabric, first planned by John Galt in 1827.

The Guelph Downtown Secondary Plan is the culmination of a series of planning initiatives that began in 2007 with a downtown charrette and city-wide Urban Design Action Plan. Taking a holistic, design-based approach, the plan covers many aspects of city-building and includes measurable targets. In addition to land use and built form, its policies cover economic development, mobility, the public realm, community facilities, heritage, energy, water and the natural environment.

The plan maintains a six-storey height limit over much of downtown; however, to accommodate significant growth and create viable redevelopment sites, the plan permits buildings up to 12, 15 and 18 storeys on strategic sites peripheral to the historic core. Initially this was controversial, but when the tall buildings were modeled, people realized they would not threaten the city’s special character. The sites are away from the civic and commercial heart of downtown, close to the Speed River. To ensure tall buildings would not overwhelm and overshadow streets and open spaces, the secondary plan restricts floorplates for floors seven and eight to 1,200 square metres; floors nine and above are restricted to 1,000 square metres. Building setbacks of three to six metres at the fifth storey will further mitigate the impacts of taller buildings.

The plan recognizes that intensification needs to be balanced with steady improvements to the public realm. A



IMAGES COURTESY OF THE AUTHOR

Guelph Secondary Plan Vision, viewed from above the cathedral

major new riverfront park is planned at the southern gateway to downtown, where commercial plazas exist today. Mid-block pedestrian mews will break up long blocks and improve pedestrian connectivity. A planned new library will include a public square, and the historic armoury site is targeted to become a market building and cultural destination.

By communicating openly and regularly with the various downtown stakeholders, and responding to issues as they arose, the city was able to build broad consensus around the final plan. A series of workshops with The Ward neighbourhood, for example, resulted in agreement on a set of design principles for a large brownfield site on the river. The plan was adopted in April 2012 and only the riverfront park policies have been appealed. Meanwhile, implementation is well underway. Several development proposals have come forward, with two significant projects, including an 18-storey residential building, now under construction. Building on the success of the new and popular Market Square, the city has also begun detailed planning for a number of public realm projects.

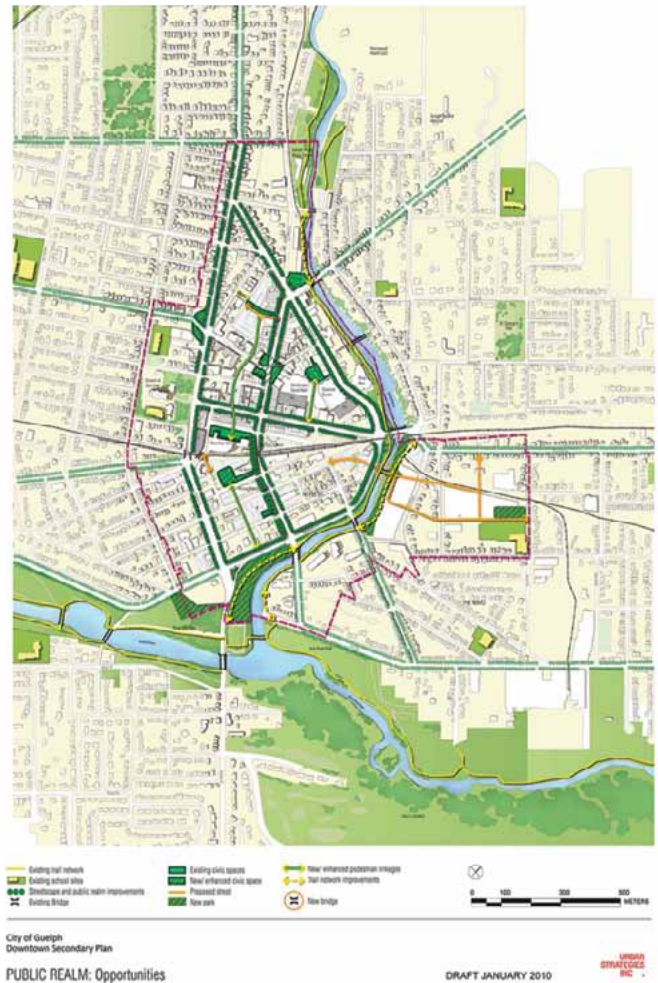
Every city needs a custom-made downtown plan that responds to and builds upon its valued characteristics. The Guelph Downtown Secondary Plan demonstrates to other mid-size cities that additional vitality in a city centre does not have to come at the expense of its historic character. Tall buildings in a traditionally low-rise centre are nothing to

fear, provided they are located in the right places, massed sensitively and balanced with meaningful public realm improvements.

The Guelph Downtown Secondary Plan is a recipient of the OPPI 2013 Excellence in Planning Awards. Tim Smith, MCIP, RPP, is a senior associate with Urban Strategies Inc. He can be reached at 416-340-9004 ext. 278 or tsmith@urbanstrategies.com.



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Employment lands re-envisioned

By Paddy Kennedy, and Luciano P. Piccioni

Niagara Region launched its comprehensive Niagara Economic Gateway Strategy and Community Improvement Project in 2010, to address emerging economic and planning-related issues and capitalize on provincial directions in the growth plan. The two-year project featured a multi-jurisdictional, collaborative and innovative approach to land use and infrastructure planning and economic development for these key employment lands.

The vision for the strategy is to attract investment and promote employment growth in strategic locations. The plan is to transform a collection of unrelated, disorganized vacant lands and derelict brownfields into a diversified mix of vibrant, attractively designed, accessible, competitive and sustainable employment areas. To achieve this, four elements were prepared: Land Use Study and Implementation Strategy, Community Improvement Plan, Marketing Strategy and Engagement Strategy.

Provincial context

In 2006, the Province of Ontario released its *Growth Plan for the Greater Golden Horseshoe*. The plan shows a Gateway Economic Zone stretching along the Niagara River and the Queen Elizabeth Way between the City of Niagara Falls and the Town of Fort Erie and a Gateway Economic Centre which is centred in southern Niagara near the City of Welland and Port Colborne.

The growth plan recognizes this Niagara Gateway Economic Zone and centre has unique economic importance to the Greater Golden Horseshoe and Ontario. Its intent is to encourage a more integrated approach to planning and economic development that supports economic diversity and promotes increased opportunities for cross-border trade, movement of goods and tourism. As such, the growth plan notes the importance of ensuring an adequate supply of land



Niagara Gateway Concept Plan

IMAGES COURTESY OF THE AUTHORS

for employment areas and other employment uses within the Greater Golden Horseshoe. It is the intent of the growth plan that municipal planning and economic development tools be used to help achieve provincial goals for the Greater Golden Horseshoe.

Land Use Study and Implementation Strategy

Ironically, Niagara Region's policy plan (official plan) had no employment land policies prior to this study. The land use study was the background report to understand the nature of employment lands in Niagara—where they are, what parcel sizes exist, what servicing and transportation network access exists, what planning tools are in place and how they fared against the economic projections (jobs and economic focus) for Niagara's future. The innovative analysis examined over 2,000 hectares of designated employment land in the five local municipalities and identified specific issues, opportunities and constraints related to transportation, infrastructure, environment and market. Knowing that the gateway lands have the potential to increase jobs by 8,000 in 20 years, an alignment of land use policy and economic projections was critical. Not surprisingly, the land use study showed the need for greater alignment between infrastructure, transportation and land use planning.

The land use study provided the policy basis for an amendment to the regional policy plan that incorporates a greater alignment between infrastructure, transportation and land use planning. The regional policy plan amendment was adopted by regional council on July 31, 2012.

The amendment not only protects employment lands in the Gateway Economic Zone and Centre for future employment growth, it also provides the strategic direction and land use strategy needed to support development of these employment lands for job growth in key economic clusters. Based on its planning attributes and other key factors, each employment area focuses on specific economic sectors such as advanced manufacturing, trans-border logistics, warehousing and transportation, secure storage, research and development, and business and tourism support services.

The amendment also includes rural employment land policies. These policies recognize that some land uses, by their nature, cannot locate in urban areas due to the intensity and often resource-based focus of their operations. By adopting policies that both protect and promote employment lands, the amendment is designed to help diversify and strengthen Niagara's economy.

Finally, the amendment focuses on a shared strategy for implementation among the region and local municipalities using a variety of planning tools such as local official plans, zoning by-laws, community improvement plans, secondary plans and infrastructure plans to ensure implementation occurs in a timely manner.

Community Improvement Plan

It was felt that a proactive tool was also needed to help achieve the planning and economic development goals established in the provincial and regional plans for the Gateway Economic Zone and Centre. The Ontario *Planning Act* enables Community Improvement Plans (CIPs) to be adopted by local municipalities. A CIP may contain financial incentives in the form of grants and loans as well as other actions designed to achieve the goals of the plan.

Niagara Region prepared a model Gateway CIP for adoption by each of the five local municipalities in the Gateway Economic Zone and Centre. This was done to ensure alignment, consistency and timely adoption by the local municipalities.

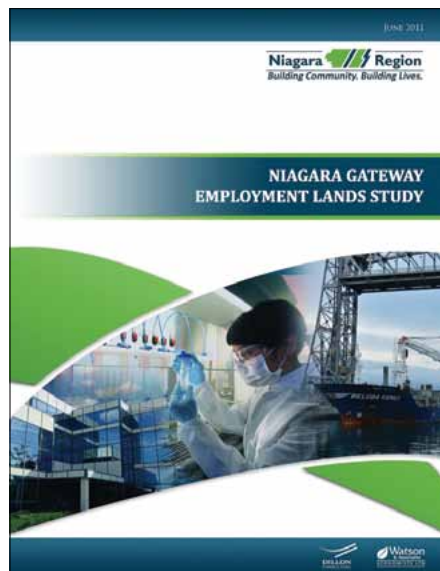
The Gateway CIP contains two major incentive programs to promote sustainable development of employment lands, as well as a number of supporting recommendations. The Tax Increment Based Grant Program provides an annual grant equal to a percentage of the increase in municipal property taxes generated by an employment lands development project for up to 10 years. The cost of this program is shared between the region and local municipalities. The region also provides a Development Charge Reduction Program that can offer a significant reduction in regional development charges for employment land.

The innovative aspect of the incentive programs is that the availability and amount of the grant and development charge reduction is tied to both the economic performance—jobs and investment—and environmental sustainability of each project. To be eligible for incentives projects must meet minimum urban design standards and achieve minimum investment / job creation and sustainability benchmarks. Environmental sustainability is measured through either LEED certification or incorporation of Niagara Region's Smart Growth Design Criteria into the project. Furthermore, the value of each incentive

is also tied to the economic performance and environmental sustainability of each project, with exceptional projects receiving significantly greater incentive values. These requirements are designed to ensure that all developments receiving incentive program funding achieve both economic and environmental goals and that the public interest in funding development of employment lands is protected.

Marketing Strategy

A marketing consultant was retained to prepare a marketing strategy for the Gateway employment lands. This study was undertaken to promote and focus marketing of the employment lands and incentives to the industrial and business development community. To be accepted and effective, the land use strategy and CIP needed buy-in from industry. The strategy and CIP benefited from the feedback provided by industry representatives during the preparation of



the marketing strategy. Linking these studies helped ensure that the strategy and CIP are reflective of private sector industry perspectives on growth and development.

Niagara Region's Economic Development Department has now been mandated to market the Gateway employment lands and CIP. It has already established a group of private sector business leaders to help guide marketing and act as ambassadors to promote development of the Gateway employment lands. In addition, several local municipalities have adopted the Gateway CIP. Implementation of the Gateway incentive programs will start soon.

Engagement Strategy

We felt strongly that we needed to have significant and integrated engagement across the elements of the strategy to achieve success. Both the land use strategy and the CIP are founded on broad-based private, public, cross border, local municipal and regional council buy-in.

The Niagara Economic Gateway Strategy & Community Improvement Plan is a recipient of the OPPI 2013 Excellence in Planning Awards. Paddy Kennedy, MCIP, RPP, is an associate and project manager with Dillon Consulting Limited. Paddy works with a range of clients and specializes in policy and physical planning. Luciano P. Piccioni, MCIP, RPP, EcD., is the president of RCI Consulting. Luciano works with both public and private sector clients across Ontario and specializes in Community Improvement Plans and municipal incentive strategies.



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OBITUARIES

Keith Bain, MCIP, RPP (Ret.) 1928–2013

Keith Bain had a long standing affiliation with the professional planners' community. He joined the Town Planning Institute of Canada as a student in 1961 and he obtained his membership in the institute in 1969. He was a Retired Member of OPPI/CIP since 1986.



Keith Bain

Keith was a planner with the Ontario Ministry of Municipal Affairs for 30 years. As director of the Policy Development Branch, he was responsible for formulating proposals for such important legislation as the *Niagara Escarpment Act*, the *Ontario Heritage Act* as well as major revisions of the *Planning Act*.

Richard Danziger, MCIP, RPP 1945–2013

Richard Danziger was a Full member of the Institute, and began as a Provisional Member in 1971. Before retirement he moved to Lindsay to take on a new job opportunity as the first director of development services with the newly amalgamated



Richard Danziger

City of Kawartha Lakes. Colleagues noted Richard was adept at walking the line between planning, engineering and development.

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Committees and Strategy Groups, all of which focus on implementing OPPI's Strategic Plan. [Log in to your Member Profile](#) and click on Volunteer Opportunities to sign up now!



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The End of Growth— But is that all bad?

By Jeff Rubin
Random House Canada, 2012

Reviewed by Mike Sullivan

This book surprised me. Rubin uses a shock or doomsday approach to get your attention by declaring that the world as we know it is over for a variety of reasons portrayed primarily in the media. Then he quickly notes, “If only this were true.” Doomsday is replaced by a logical, if not convincing argument linking societal need for economic growth to our current delicate economic state.

Jeff Rubin is the former chief economist for CIBC World Markets who actually lost his job because of this book. CIBC executive reviewed his book, and would not allow Rubin to publish it as an CIBC employee. So he left the bank. That message sets the stage for the passion behind Rubin’s message. His message is communicated in clear, logical steps that seem difficult to ignore.

Rubin’s assertion is simple, “Growth is the holy grail of modern societies,” and growth itself is based on the availability of cheap oil. By example, Rubin notes that the U.S. central banking crisis of 2008 has not been resolved, and due to a lack of media attention the banks have gone back to business as usual. He then paints a very logical, if complicated, message that our global addiction to economic growth is going to lead to failure.

Think of the connection to planning: we planners are trained to manage change. Think community improvement plans, growth management plans, secondary plans... you get the picture. By contrast, a recent article in *Plan Canada* focused on Plan St. John, where growth is not expected. Rather, the community is planning based on little or no growth.

Rubin paints a picture that connects growth in the European Union to China, to the U.S.A. and notes their connecting link is cheap energy... specifically oil. Cheap oil has fueled growth rates in North America over the past 50+ years. Europe is portrayed as being led by a more mature set of players, whom we should watch and learn.

Interestingly, Denmark is highlighted as one of the most progressive countries in terms of renewable energy, given its image as a country full of wind turbines. We then learn that only 20 per cent of Denmark’s energy is produced by renewables. The remaining 80 per cent comes from coal. This highlights that change is not without its own challenges. For example, the image of Denmark is people walking, riding their bikes and generally leading very active lives. Rubin notes that this is, in part, due to the high price of gas, high auto insurance costs and extraordinarily high government taxes on car purchases (300%). Denmark hits its citizens in the pocket book in an attempt to reduce their dependence on fossil fuels. It appears to be working.

The U.S.A. and China are highlighted in the “book, as much for the past as for the seemingly inevitable changes that are coming. The U.S.A., Rubin argues is the flag bearer of countries relying on

cheap oil for growth. He doesn’t see the current focus on interest rates and fiscal stimulus packages as having long-term benefits for the country.

By contrast, he portrays China as requiring continual high growth rates (7+%) to demonstrate to the world that its communist economy works. However, both countries are in for a nasty surprise. As oil prices continue to rise, China has and will continue to displace the U.S.A. as the world’s biggest consumer of fossil fuels.

Where will this lead the U.S.A: forcible weaning off of cheap energy in favour of a North American solution? How about Alberta? Should we look to the traditional OPEC countries for a

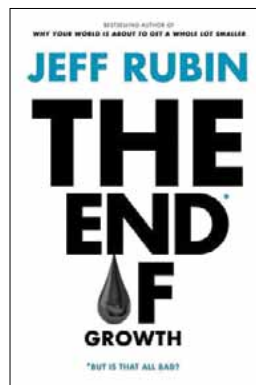
solution? Rubin suggests not as Saudi Arabia, in particular, is supplying its own growth, which requires cheap oil to maintain its consumptive lifestyle. Peak oil may have been shown as a false reality. Now the issue is affordable oil. What happens when the price gets too high to be affordable in countries like the U.S.A., China and in Europe? More drastic energy conservation measures may be the answer.

How does this all connect to the wonderful world of professional planning in Ontario? Governments and private sector companies alike continue to pursue growth-focused agendas including expansion or upgrading of public transit and higher related fees to cover the ever-growing budgets associated with these needs. Our current focus on increased density, healthy/

walkable communities and a concentration on urban centres appears to be logical and appropriate based on Rubin’s thoughts. However, what happens when growth slows down or stops?

This book provides a wake-up call to governments and corporations banking on growth to make up for past losses and/or to build the war chest for future needs. Either way, the message is that those relying on debt for financing growth may want to reconsider their approach. Perhaps it’s time for municipalities, and their growth-oriented politicians, to change their focus away from reliance on new growth. Take a lesson from St. John, New Brunswick, which is charting new territory with its focus on improving community based on little or no growth. Something to think about...

Michael Sullivan, MCIP, RPP, is planning manager with the Township of Wainfleet, in Niagara Region. He also operates his own firm, Sullivan & Associates, which specializes in infrastructure and climate resilience planning and public engagement. Mike can be reached at sullivanplan@gmail.com. This book review was submitted by Dave Aston, contributing editor.



Duty of expert witnesses

By Rob Dolan

As professional planners, the *Code of Practice* requires that we maintain the ability to make independent recommendations to assist the public, public agencies, private clients and to assist the OMB and the courts in making certain determinations based on fact and opinion. This professional independence can be challenged. The recent decision of the Ontario Court of Appeal discussed in this article is an example of the way in which an expert witness is expected to professionally and independently help the courts or risk having his or her evidence excluded in its entirety.

Duty of expert witnesses

The Acknowledgement of Expert's Duty form has increasingly been used by the Ontario Municipal Board since January 2010 when it came into effect under the Rules of Civil Procedure. Recently a description of the duty has also been incorporated into the board's Rules of Practice and Procedure, setting out the obligations of an expert witness:

21.01 Duty of Expert Witness: It is the duty of every expert engaged by or on behalf of a party who is to provide opinion evidence at a proceeding under these Rules to acknowledge, either prior to (by executing the acknowledgement form attached to the Rules) or at the proceeding that they are to:

- (a) provide opinion evidence that is fair, objective and non-partisan;
- (b) provide opinion evidence that is related only to the matters that are within the expert's area of expertise; and
- (c) provide such additional assistance as the board may reasonably require to determine a matter in issue.

These duties prevail over any obligation owed by the expert to the party by whom or on whose behalf he or she is engaged.

The OMB is an independent tribunal subject to the rules of natural justice and the requirements of the *Statutory Powers Procedures Act*. Under the provisions of the *Ontario Municipal Board Act* it serves as a court of competent jurisdiction in the implementation of administrative justice. Its decisions are limited to those matters that it is specifically charged to administer and rule upon by provincial statute. Unlike a court, it is not bound by precedent. Its administrative justice has to be grounded in the jurisdiction of existing statute law and the application of policy.

For the due exercise of its jurisdiction and powers, the board has all such powers, rights and privileges as are vested in the Superior Court of Justice with respect to the amendment of proceedings, addition or substitution of parties, attendance and examination of witnesses, production and inspection of documents, entry on and inspection of property, enforcement of its orders, directions, regulations, rules, permissions, approvals, sanctions and certificates as to the Board may seem proper.¹

The *OPPI Professional Code of Practice* requires that Members have a primary responsibility to define and serve the interests of the public. This requires the use of theories and techniques of planning that inform and structure debate, facilitate communication and foster

understanding. Accordingly, a Member shall "provide full, clear and accurate information on planning matters to decision makers and members of the public while recognizing both the client's right to confidentiality and the importance of timely recommendations."² Further, a Member shall "impart independent professional opinion to clients, employers, the public and tribunals."³

At the present time judges are deciding cases on the ability of courts to exclude the evidence of expert witnesses. Recently the Ontario Court of Appeal decision in *Carmen Alfano Family Trust (Trustee of) v. Piersanti*, [2012] O. J. No. 2042 was referred to at an Advocates Society program on expert witnesses as the latest word on excluding experts for lack of independence.⁴

This appeal was taken from a decision of a trial judge who, after three days of *voir dire* examination⁵ had refused to admit the evidence of an expert witness on the grounds that the witness lacked independence and objectivity. The reasons for the ruling were reported at [2009] O.J. No. 1224; 2009 Can L II 12799 (ON SC).

What I find particularly interesting in this case is that during the course of the original trial, counsel for the respondents requested production of certain parts of the expert witness' files. The request was refused. After a mid-trial motion, however, the trial judge ordered the production of emails that had been recorded in the witness' time docket. These emails were exchanged between the expert and his client. It became clear to the trial court judge that the client had provided extensive direction and comments to his expert. The exchanged "emails reveal a pattern of the expert attempting to craft his report to achieve his client's objectives in the litigation."⁶ The individual was disqualified as an expert in this case.

On appeal, the appellants argued "that the trial judge erred in not admitting [the expert's] evidence. They argued that any lack of independence should go to the weight of the evidence, not its admissibility."⁷ They also argued that "the trial judge erred in considering the email exchanges in reaching her conclusion [and] ... should have confined her analysis to [the expert witness'] reports and his evidence concerning the report."⁸

The Appeal Court decision, however, was quite clear in upholding the decision of the trial judge.

The court found that while the issue might go to weight, it retains a residual discretion to exclude the evidence of a proposed expert "when the court is satisfied that the evidence is so tainted by bias or partiality as to render it of minimal or no assistance."⁹

The Appeal Court cited with approval the lower court judge's comments that "the fundamental principle in cases involving qualifications of experts is that the expert, although retained by the client, assists the court."¹⁰

When courts have discussed the need for the independence of expert witnesses, they have said that experts should not become advocates for the party or the positions of the party by whom they have been retained. It is not helpful to a court to have an expert simply parrot the position of the retaining client. Courts require more. The critical distinction is that the expert opinion should always be the result of the expert's independent analysis and conclusion. While the opinion may support the client's position, it should not be influenced as to form or content by the exigencies of the litigation or by pressure

from the client. An expert's report or evidence should not be a platform from which to argue the client's case. As the trial judge in this case pointed out, 'the fundamental principle in cases involving qualifications of experts is that the expert, although retained by the clients, assists the court.'¹¹

The Appeal Court cited *R v. Mohan*, [1994] 2 S.C.R. 9, where the Supreme Court of Canada set out criteria for the admissibility of expert evidence: 1) relevance. 2) necessity in assisting the trier of fact, 3) the absence of any exclusionary rule, and 4) proper qualification. The Appeal Court also confirmed that "The party tendering expert evidence has the burden to satisfy the four *Mohan* criteria on a balance of probabilities."¹²

The Appeal Court noted that the Supreme Court of Canada "concluded that the appropriate test for necessity is whether the expert is capable of assisting the trier by providing information likely to be beyond the trier's knowledge and experience."¹³ This is referred to as "the concept of helpfulness to the trier of fact" wherein the courts "as a matter of common sense will look to the expert's independence or objectivity to determine if the evidence will be helpful."¹⁴

In *Alfano v. Piersanti* the Court of Appeal is clear that "in considering the issue of whether to admit expert evidence in the face of concerns about independence, a trial judge may conduct a *voir dire* examination and have regard to any relevant matters that bear on the expert's independence. These may include the expert's report, the nature of the expert's retainer, as well as materials and communications that form part of the process by which the expert formed the opinions that will be the basis of the proposed testimony (see *R v. INCO Ltd* (2006), 80 O.R. (3d) 594, at p.607 (S.C.)."¹⁵

Considerations for professional planners

The Appeal Court Decision raises at least two questions in my mind for OPPI Members.

1. *What is the level of involvement with the litigation team that is appropriate for the expert witness to have?*

It is stated that "The courts have recognized and accepted that experts are called upon by one party in an adversarial proceeding and are paid by that party to prepare a report and to testify. The alignment of interest of an expert with the retaining party is not, in itself, a matter that will necessarily encroach upon the independence or objectivity of the expert's evidence."¹⁶

However, knowing that the exchange of emails and margin notes on draft reports made by the client with respect to your reports can

at any time be required to be produced on motion as part of a proceeding is a caution that you ensure that the preparation of your evidence is independent and it is your own. In the process of coming to your conclusions you have an obligation to advise your client and his or her counsel of the position which you support, how you came to that conclusion and the evidence you are prepared to lead. If the client does not like your conclusion they can go elsewhere.

Expect that parties opposite and the OMB have every right to challenge the process you went through in coming to a conclusion. Assist the board in understanding your reasoning. Be prepared to acknowledge any errors of reasoning. Be open and professional in presenting your evidence in-chief and in responding to cross examination.

When it comes to the opinions expressed or the conclusions or recommendations of your report it is yours alone and you should be careful about allowing others to change those opinions in the guise of editorial advice. Allow the litigation team to question you and consider their questions carefully, but own the conclusions and recommendations you make.

Do not fall into the trap of "I do not want to hear what you have to say. ... I want you to say what I want to hear!"

The time to get your role and your position straight is when you are retained. Build your independence into your retainer contract. Do not wait until the week before the hearing to conclude that your client's case is without merit. Do your due diligence before accepting a retainer. It is the lawyer's job to advocate all of the best arguments he or she can in the interest of their client. That is the solicitor's job, not yours. It is your job to provide the best planning advice that your experience allows you to provide in accordance with the OPPI's *Professional Code of Practice*.

2. *Is it the role of a municipal planner in a planning department who is at the OMB to provide evidence in support of a corporate planning position adopted by council?*

Do not provide evidence at the OMB unless you are the person who wrote the report which was tabled with council at the time of its decision. If you are summoned and there is a more appropriate person to testify, suggest that person as an alternate to whoever served the summons.

If your report has been substantially altered by others prior to going to council, let the official who altered the report attend at the OMB rather than yourself. The person who takes responsibility for the accuracy and completeness of the report



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should in fairness and accountability be a co-signatory or at least noted and named on the report. To be on the stand with a planning report you do not support is worse than being on the stand with a planning report you support which was rejected by council. In either instance, you are to give your professional opinion, not that of others.

If your commissioner wants only their name noted on the planning report providing advice to council, then the commissioner can appear to testify at the OMB.

Finally, make sure that your council understands the role of the professional planners on staff and repeat the message every time a new council is elected.

Conclusion

During the course of my career, I have prepared and provided evidence at the OMB as a civic official and as a private consultant.

As a civic official, I have been in the position where my recommendations have been accepted, rejected or altered by council. The saving grace in all of these situations is that the council decision itself is a matter of public record and public scrutiny. Public transparency and parliamentary style scrutiny of your recommendations are a protection for the planner.

In carrying out your delegated responsibilities, seek to achieve a similar level of public transparency and accountability as appropriate mindful of *Municipal Freedom of Information* legislation, distinct from information which is available to the public through traditional access, and information which is protected by privacy legislation.

As a consultant, I have rejected clients' retainers because their desired position was the exact opposite of what I had previously recommended under similar circumstances to others. Be consistent

and know that there is someone out there keeping track of everything you write or say publicly.

Working "in-house" in a major law firm, I am no longer even able to provide evidence on the matters my firm is engaged in since there is a fair and appropriate presumption of bias and aspects of solicitor client privileged information to which I am privy. However, under the shawl of solicitor client privilege, I can still tell a client when I think their position is without merit.

Rob Dolan MCIP, RPP, currently is employed as an in-house planner at the law firm of Aird & Berlis LLP in Toronto. He is a former community planning director at the City of Toronto and was an associate with the IBI Group. He has been an urban and regional planner since 1975.

End notes

- ¹ Ontario Municipal Board Act, R.S.O. 1990, CHAPTER O.28, Section 38
- ² OPPI Code: 1.2
- ³ OPPI Code: 2.1
- ⁴ Applications for leave to appeal to the Supreme Court of Canada were dismissed with costs November 8, 2012
- ⁵ A competency examination of a witness; from old French – "to speak the truth"
- ⁶ *Alfano v. Piersanti*. Paragraph 118
- ⁷ *Ibid.* Paragraph 102
- ⁸ *Ibid.* Paragraph 102
- ⁹ *Ibid.* Paragraph 111
- ¹⁰ *Ibid.* Paragraph 108
- ¹¹ *Ibid.* Paragraph 108
- ¹² *Ibid.* Paragraph 103
- ¹³ *Ibid.* Paragraph 104
- ¹⁴ *Ibid.* Paragraph 104-105
- ¹⁵ *Ibid.* Paragraph 112
- ¹⁶ *Ibid.* Paragraph 106



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Democracy, public interest, access to justice

By Ben Puzanov

Recent land use planning decisions in several Ontario municipalities have sparked outrage among community groups, activists and political pundits and have generated questions regarding democracy and in turn, the public interest. Given that the 2014 municipal election year is fast approaching, such questions are particularly relevant.

My aim here is not to offer detailed accounts of specific proposals. Instead, I offer a commentary on our democratic processes, the public interest and access to justice, specifically as it relates to the adjudication of land use planning disputes in Ontario.

The effects of the global economic downturn that began five years ago are still being felt in communities throughout North America. To compound the problems caused by the 2008 financial crisis, traditional manufacturing continues to decline in North America as increased globalization paves the way for corporate mobility and shifts production to emerging markets in developing countries. The results of these two distinct but linked phenomena have been significant job losses in North America and Ontario's municipalities have not been immune to their effects.

As one recalls the 2010 municipal election in Ontario, as well as the provincial and federal elections that followed in 2011, much of the campaigning and discussion in the media centred on employment and economic development issues. While the provincial and federal governments have many tools in their arsenals to facilitate job creation and economic investment in our communities, the means available to municipalities to do the same are significantly more limited. Because land use planning and economic development are intricately linked—so much so that many municipalities house both functions within one department—the effects of the above-noted phenomena have significant implications for the realm of land use planning. As a consequence, recent land use planning decisions in many communities have pitted economic development interests, and the prospects of job creation and investment, against environmental and social interests. In such scenarios one side typically accuses the other of NIMBYism and the other in turn contends that illusions of economic development grandeur are trumping public discourse and the planning consultation process. Such issues are not new in land use planning but they have been exacerbated by the downturn of the economy.

In Ontario's system of local government, municipal decisions, including those pertaining to land use planning, are made in a democratic forum by representatives determined through the electoral process. It is imperative to note that a democratic decision-making process does not guarantee that everyone will



Ben Puzanov

be pleased with the outcome. However, the same process allows the public to change its leadership during the next election.

To ensure that the integrity of the democratic process remains in tact, a number of legal checks and balances have been established to oversee the operations of Ontario's municipal governments. In the context of land use planning, the Ontario Municipal Board fulfills this role and strives to ensure that councils do not act in a manner that contravenes their own adopted policies (e.g., official plans), among other matters. It is unfortunate that much of the public discussion and media coverage that result from controversial land use planning decisions are critical of our democratic processes but are generally silent on access to justice issues that are truly at the cores of such debates. While not everyone may agree with a specific decision, there is no disputing that our democratically elected decision-making bodies are functioning as designed. However, there is considerable value to be gained by pausing and reflecting on the recourse that is available to an individual if he or she wishes to challenge a particular decision and whether the appeal process could benefit from changes that would improve access to the OMB.

While the powers of the OMB are significant and it is arguably one of the most powerful land use planning tribunals in North America, both its critics and supporters agree that one of its principal roles is to ensure that land use planning decisions conform to provincial legislation and municipal policies that govern development in Ontario. While one might argue that a truly democratic process would vest all land use planning decision-making authority with elected officials, he or she would be remiss in not reconciling another essential tenet of democracy: ensuring the integrity of the process is maintained.

A key function of the OMB is to expedite the adjudication of land use planning disputes by keeping such matters out of the courts. Various jurisdictions have opted to forgo the use of land use planning tribunals. However, consider whether democracy is best served when such disputes are forced to proceed through the courts rather than through a more accessible body? Are there ways to enhance access to the current land use planning adjudication process in Ontario? These are the types of questions that should form the basis of the discourse around controversial land use planning decisions. I welcome your thoughts and encourage everyone to get involved in the recently-launched provincial review of the OMB.

Ben Puzanov, M.P.A., M.P.L., MCIP, RPP, is a senior planner with the County of Middlesex and the legislative news contributing editor for the Ontario Planning Journal. Ben may be reached at bpuzanov@middlesex.ca.

PRESIDENT'S MESSAGE

Engaging the profession

By Paul Stagl

My CPL points are done and recorded for 2013—and in part for 2014 too—my membership dues have been paid for 2014—so, as far as my OPPI activities are concerned, I guess I'm done and it's time to put my feet up and relax, right?

Well, no. It's also time to start looking at how you will be engaged with your profession in 2014. We have over 235 volunteers actively engaged with our work, committees, programmes and governance—but that's only a part of engagement.

We need you to start thinking about how you want to structure your CPL for next year and how to tailor your points to your competencies. We need you to feed that back to us so that the Professional Standards and Registration Committee and your District Leadership Teams can work on how best to deliver those ideas.

Engagement is also about choosing and participating in the activities that your District Leadership Teams and that OPPI have in store for you in 2014—many are CPL eligible but all are intended to keep you in touch with what's happening and what's current. Last year we had over 80 District, OPPI, partnership and other related events to choose from on OPPI's web events page. We had over 1,700 registrations for OPPI and District events alone. This coming year will be just as active—so start looking and start choosing.

Engagement is also about starting to think how you can organize or participate in a World Town Planning Day event for 2014. Province-wide, planners put on a diverse celebration of planning in 2013—I wish I could have participated in all of this year's events—congratulations to all of you.

In the Greater Toronto Area, the annual 'Take Our Kids to Work' day coincided closely with WTPD and I understand that some of you organized great office tours, seminars, group Q&As and walking tours as part of the experience. What a great idea (by the way, I think there's likely a CPL unit or two for that somewhere).

Mine was a full World Town Planning Day, but my primary activity that day was in presenting the 2013 Excellence in Planning Awards at Queen's Park. Congratulations to all of the participants and winners. The planning awards presentation is one of my most enjoyable duties as it celebrates what we do best.

Planning our communities is not—and has never been—a static profession. Growth and community development is dynamic and requires innovative, strategic and creative problem-solving. The OPPI Awards afford us an opportunity to recognize advancements achieved in both planning and strategic thinking and, more importantly, to build on them for the challenges of the next generation. What better occasion than on World Town Planning Day to have celebrated those advancements.

Back to engagement. Engagement is also about our

consultation programmes on planning issues—providing your professional input to help OPPI prepare papers, submissions and Calls to Action—and strengthening the voice of the planning profession. You are our collective resource and it's only through your engagement with our programme that we can be that voice.

Finally, engagement is indeed about volunteering—and we have a whole new arena of volunteering that comes with our new national standards partnership with the other provincial Institutes and CIP through the Professional Standards Board. We're looking for volunteers to be sponsors, mentors, Prior Learning Assessment Recognition examiners, exam markers and outreach ambassadors. Over 20 per cent of us will be retiring and leaving active practice within the next decade. That's a significant collection of experience. Before you fully retire, consider becoming involved as a sponsor or mentor.

So while your feet are up, and you're relaxing and reflecting on 2013, give some thought to how you will engage with your fellow professionals in 2014. Mark the 20th anniversary of OPPI's Registered Professional Planner designation and the OPPI Act by engaging other RPPs, offering some volunteer time to OPPI and kick starting your CPL plan.

On a final note, I wanted to particularly highlight an achievement that we can all be proud of and share. Three of our healthy community video clips—Active Transportation – Planning 101, Walkability – Planning 101 and Complete Streets – Planning 101—were included in the New Urbanism Film Festival that took place in Los Angeles in November. Congratulations to all who were involved!



Paul Stagl

REGISTRAR'S MESSAGE

Code of practice and social media

By Brian Brophay

Increasingly, the power of the internet, newspaper websites, and social media such as email, blogs and Twitter, has allowed the traditional water cooler conversation to “go viral.” This can be dangerous, since opinions and reactions fly more quickly than reliable facts can be revealed. As well, some of those standing around the “virtual water cooler” apparently forget that their conduct and words are still subject to some legal restrictions: they may be considered libelous, slanderous or defamatory. Members of OPPI have a further consideration: whether

their words could be considered unfair comment under the *Professional Code of Practice* (see sections 3.5 and 3.9).

Every Full and Candidate member of OPPI is “obligated to adhere to and be bound by the *Professional Code of Practice*...”¹ I think it should go without saying that an obligation to adhere to the code implies an obligation to understand what the code says and means, and how it operates.

I would suggest that this understanding should also extend to the *Standards of Practice*, which was developed by OPPI committees to “promote higher professional standards and a better understanding of OPPI’s *Professional Code of Practice*.”² And this understanding should also extend to the complaints and discipline process at OPPI.³

Section 2.2.3 of the OPPI by-law, as well as section 3.14 of the code itself, also obliges members to “report to the Institute the behavior of any member believed to be in breach of this Code.”

Members considering this “duty to report” should keep certain things in mind. The complaints and discipline process at OPPI is premised on common ideals of natural justice and fundamental fairness. It is ultimately an adjudicative process, and in order to make findings that a member has breached the code, the Discipline Committee requires facts and evidence, not merely hearsay and second-hand reports. Sanctions imposed by the Discipline Committee are a serious matter, and can be appealed to Divisional Court⁴, and subjected there to intense judicial scrutiny.

A quick review of the by-law will remind you that the complaints and discipline process at OPPI is generally triggered by the receipt of a formal written complaint—either by another member, a corporation or a private citizen. Since planning is not a fully self-regulating profession, it is not clear that OPPI has the authority to initiate its own investigations or inquiries regarding the conduct of its members. (This authority could be clarified in a new by-law or in public legislation moving us closer to true self-regulation for professional planning.)

As well, the current by-law does not authorize OPPI to confirm or deny whether it has received or pursued a complaint on any particular matter. The by-law does specify that some information can be released if a discipline hearing is held, after



Brian Brophey

an investigation has taken place. Of course, that complete process would take months, not days or weeks.

Professionals “standing around the water cooler” are certainly entitled to their own opinions about situations that may come to their attention. But OPPI members should also remember that there is a presumption of innocence, and that they may not be in possession of all the relevant facts and information. Only the OPPI Discipline Committee is authorized to make definitive findings that the code has been breached in any particular situation.

Members of OPPI are held in high esteem because of the rigorous professional and ethical standards they meet and maintain. This is a situation that we want to perpetuate.

End notes

¹ (OPPI by-law, section 2.2.3 at <http://ontarioplanners.ca/PDF/OPPI-BYLAWS.aspx> and the Professional Code of Practice is at <http://ontarioplanners.ca/PDF/Professional-Code-of-Practice>)

² (Please see <http://ontarioplanners.ca/PDF/Standards-of-Practice>)

³ (Please see <http://ontarioplanners.ca/PDF/Discipline-FAQ-for-website>).

⁴ (OPPI Act, section 10(2) <http://ontarioplanners.ca/PDF/Ontario-Professional-Planners-Institute-Act>)

ELTO

Planning for two wheels

By Kristen Courtney

As cycling becomes more popular as a form of transportation, particularly in the denser downtown areas of Ontario’s cities, citizens and cycling advocacy groups are increasingly turning to the law when they feel that municipal transportation planning decisions have been made without regard for the safety of cyclists or for provincial policies relating to sustainable transportation. While none of these cases have so far found themselves before the OMB or the Environmental



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Review Tribunal, a number of other transportation planning decisions in recent year have ended up in court, which could become more common as competition for scarce space on busy city streets increases.

Over the course of 2012, at least four legal challenges were launched against the City of Toronto's plans for three downtown road reconstruction projects on behalf of various cycling groups. The groups took issue with the projects (on Jarvis Street, Front Street and John Street) primarily because they felt the plans would render the streets more dangerous for cyclists.

The Jarvis Street project involved the elimination of bike lanes and the addition of a fifth, central, reversible lane of traffic (despite a city report documenting a significant reduction in collisions since the installation of the bike lanes). The Front Street project, which involved road reconstruction and streetscaping around Union Station, did not include bike lanes, but created dangerous "pinch points," according to a consultant for the cyclists. And finally, the John Street project involved the reduction of the roadway from four lanes to two in order to make room for additional sidewalk space and decorative streetscaping—again, without including provisions for cycling infrastructure.

In all four cases, the legal arguments levied against the projects included one or both of the following:

1. The city's decision relating to the project was not consistent with the *Provincial Policy Statement* and was not in conformity with the *Growth Plan for the Greater Golden Horseshoe*, as required by section 3(5) of the *Planning Act*, R.S.O. 1990, c. P.13, s. 3 (5);
2. The city failed to carry out an environmental assessment of the project as required by the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, or misclassified the project under the Municipal Class Environmental Assessment process (which, in turn, they argued, failed to illuminate the safety or environmental impacts of the projects, and undermined a primary avenue through which the *Provincial Policy Statement* and the *Growth Plan for the Greater Golden Horseshoe* issues could have been addressed).

Courts have held that s. 3(5) of the *Planning Act* is a high threshold that requires decision makers to actually follow the policies (not merely "have regard for" them or take them into account, as used to be the case prior to March 2005). Demonstrating this may require, at a bare minimum, a documented discussion of how all relevant policies apply to the circumstances at hand (*Toronto (City) v. R & G Realty Management Inc.*, 2009 CanLII 42397).

In arguing that the projects were not consistent with the *PPS*, the cycling groups pointed to the many provisions that together establish a strong policy direction in favour of planning streets to support sustainable transportation, including:

- 1.5.1 Healthy, active communities should be promoted by:
 - (a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling;

1.6.5.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

Similarly, in arguing that the projects, as planned, did not conform with the *Growth Plan*, the cyclists pointed to such policies as:

3.2.2

1. The transportation system within the Greater Golden Horseshoe will be planned and managed to –

- b) offer a balance of transportation choices that reduces reliance upon any single mode and promotes transit, cycling and walking
- c) be sustainable, by encouraging the most financially and environmentally appropriate mode for trip-making
- e) provide for the safety of system users

3.2.3.3 Municipalities will ensure that pedestrian and bicycle networks are integrated into transportation planning to –

- a) provide safe, comfortable travel for pedestrians and bicyclists within existing communities and new development
- b) provide linkages between intensification areas, adjacent neighbourhoods, and transit stations, including dedicated lane space for bicyclists on the major street network where feasible.

As the cycling groups were armed with independent evidence in at least two of the cases that the projects neglected to accommodate cyclists and would likely render the streets more dangerous, they argued that such plans could not be considered consistent with, or in conformity with, the above policies.

At the end of the day, however, none of the four challenges ended up before a court or a tribunal, as there is no clear route of appeal for municipal transportation planning decisions or for a contravention of s. 3(5) of the *Planning Act*. Instead, the cycling groups appealed to the Minister of the Environment for an order requiring a full environmental assessment for each of the projects, but these requests were rejected.

While that may be the end of the story for the Jarvis, Front and John street challenges, the upshot is still unclear for transportation planning decisions going forward. What is clear is that it is still not routine practice for transportation planning decisions to specifically address *PPS* and *Growth Plan* policies in a comprehensive manner, and that this could expose municipalities to creative legal challenges for both the OMB and ERT as concern for cycling safety mounts.

Kristen Courtney is a lawyer and freelance writer living in Toronto. This article was submitted by Eric Gillespie, ELTO contributing editor.

Signs, Designs and Mixes

Active transportation

By Robert Voigt, contributing editor

One of the most timely and challenging issues facing planners is addressing active transportation needs in our communities. In many cases this means being involved in the planning and design of infrastructure projects such as the development of complete streets. In others, planners may be working on wayfinding strategies that support an active transportation friendly culture.

It should be no surprise that these kinds of projects require planners to work directly with citizens, and that the projects' complexity or technical nature can make this difficult. Add to this, limited budgets for community education and outreach, and the long turnaround time for ideas to be implemented, and you have the potential for a lot of frustration for all involved.

This is where the following two online tools come into play. One helps people envision the design of their streets. The other helps with the creation of signage plans focused on pedestrians and cyclists.

Street Mix

Imagine you are conducting a workshop on the potential for a complete streets corridor redevelopment and how active transportation will be integrated. The discussion quickly arrives at the point where "only so much space" runs into "can we also include." Typically in the past, this is where planners and engineers roll out a series of cross-section drawings to explain what can fit within the right-of-way.



Robert Voigt

Here is where the problem sometimes gets worse. No matter how prepared one is, there is a high likelihood that drawings for every option will not have been created. Also, this approach can give people the impression that everything has been decided beforehand, or that their particular ideas have little merit.

Thanks to the folks at Code for America there is now an easy to use online street visualization tool, [Street Mix](#). Street Mix puts a high tech spin on using paper cutouts to compare street design options. It gives people the ability to define the limits of a virtual street section and then arrange and amend the components to quickly develop a design scenario. The interface is extremely easy to use and understand. The components that are included as options are also refined enough to provide good visualizations that can be used to generate meaningful dialog.

Street Mix has a number of advantages that I believe many planners will find useful. It's fast. It allows people the opportunity to easily learn about the basic limitations and parameters of a street corridor design project. The format is visually pleasing and effective for communication. It creates opportunities for more interactive discussions among professionals and citizens and, being free, it's easy to fit into any budget.

Walk Your City

The second online tool I would like to feature is, [Walk Your City](#). What is unique about this site is that it builds on the success of a 2012 DIY urbanism project called Walk Ralieggh. This site gives users the tools to quickly and efficiently develop a wayfinding signage project focused on pedestrians and cyclists.

Walk Your City's mapping interface helps users define sign locations and the estimated walking or biking time to destinations. Once you have selected a location and destination, you determine the mode of travel, either by foot or bike. The program then provides a travel time estimate that is automatically entered into the sign template and added to your project. This trip time calculation tool is the real magic of the site, and I have found it to be quite accurate.

I generally focus my recommendations on freely available online resources. However, while Walk Your City does charge for the final designs, it is particularly noteworthy. It is the next step in the changing relationship between the citizens involved in direct interventions in their neighbourhoods and the planners working to develop healthy successful communities. Now the same people coming up with DIY urbanism projects to kick start change, can scale their concepts to be far reaching. If planners can find ways

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of integrating these contemporary methods and motivations, they will be better able to meet citizens on their terms.

What we should be looking for

I have highlighted these two online tools not only because of their common ability to help planners working on active transportation projects. What is even more significant is that they show us that there are many creative improvements that can be made to how we communicate, and that there are ways to streamline projects to make them more timely. This is exactly what we should be looking for in new technology.

Robert Voigt, MCIP, RPP, is a planner, artist and writer, specializing in healthy community design, active transportation and citizen engagement. He is senior project manager for Cambium Inc., chair of OPPI's Community Design Working Group, member of Project for Public Spaces' Placemaking Leadership Council, and writer for Urban Times and CivicBlogger. rob@robvoigt.com Twitter @robvoigt Google +robertvoigt.

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MOE issues new noise guideline

Consolidation resolves longstanding issues

By A. D. Lightstone

As of August 2013, NPC-300—Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning—replaces and consolidates LU-131, NPC-205 and NPC-232 and the (unnumbered) publication “Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation,” into one document. The following offers background, an overview of the new guideline and what it is intended to accomplish.

Background

The Ministry of the Environment first issued noise guidelines in 1978. In different documents, potential noise impact of

transportation sources, on planned, sensitive land uses such as residential, were addressed, as well as industrial/commercial (or stationary) sources. At that time, MOE became involved in the land use planning process by assisting municipalities in reviewing noise study submissions that were required as part of the approval process under the *Planning Act*. Subsequently, except in cases of projects of provincial interest, the review of noise studies was downloaded to municipalities and the ministry is no longer involved in local planning issues.

Under the Environmental Protection Act (EPA), which is administered by the Ministry of the Environment, an industrial/commercial facility that emits a defined contaminant to the environment requires what used to be called a Certificate of Approval, and is now named an Environmental Compliance Approval (ECA) due to revisions to the EPA, to operate. In fact, a literal reading of the EPA shows that an ECA must be obtained prior to even constructing or altering an existing process that emits a defined contaminant, even if the alteration reduces emissions.

Sound (noise) and vibration are defined contaminants. To obtain an ECA, where there are sound or vibration sources and emissions, the facility must make formal application to the ministry and show compliance with the applicable noise guidelines. (For other types of emissions, for example air, showing compliance with the air regulations is required.) This is a continuing mandate of MOE.

Since inception, some of the noise guidelines were updated and reissued. However, until NPC-300 was issued, the document applicable to planning new sensitive land uses was LU-131 - Noise Assessment Criteria in Land Use Planning. LU-131 addresses transportation as well as stationary sources

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of noise. The noise guidelines applicable to stationary sources were NPC-205 - Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban) in urban and semi-urban areas and NPC-232 - Sound Level Limits for Stationary Sources in Class 3 Areas (Rural).

Why the update was needed

There were a number of inconsistencies among the documents. That is, in some circumstances, different noise criteria applied to the industry and residential land uses. This created situations where, for example, a valid approval of a residential land use under LU-131 could put an industry out of compliance with the noise guidelines and its ECA, through no action or fault of the industry.

This would and should be seen as bad planning. The *Provincial Policy Statement* requires that new sensitive (residential) or new industrial/commercial development be compatible with other land uses, be they residential or industrial/commercial, etc. and not adversely impact each other. Introducing a new sensitive land use such that an existing, lawful commercial/industrial operation is put out of compliance and its continuing operation jeopardized can be considered an adverse impact.

The process

In 2009, MOE contracted Valcoustics Canada Ltd., after receiving competitive proposals, to update LU-131 and NPC-205 and resolve the discrepancies, with the 2005 PPS as

background. During the course of the work, it became clear that the guidelines should not just be updated but be integrated and also include NPC-232. There were extensive stakeholder consultations and input, and many further refinements, as the final form was developed within the ministry, culminating with the release of NPC-300 in October 2013.

What NPC-300 accomplishes

By integrating all of the land use and environmental noise criteria into one guideline, NPC-300 harmonizes the sound limits and requirements for sensitive land uses and for sources of sound emissions (stationary sources). This should reduce and resolve some of the longstanding issues when dealing with matters of compatibility between different types of land uses.

NPC-300 also recognizes the current realities, especially in Southern Ontario, where there is greater pressure for intensification and for redevelopment of brownfield sites. Increasingly we are faced with introducing new, sensitive land uses in proximity to existing, viable industries, etc. Such situations were largely discouraged by the previous noise guidelines. NPC-300 addresses the juxtaposition of nominally incompatible land uses and provides more detailed information on acceptable and unacceptable noise mitigation concepts and how to result in noise compatibility.

What is new in NPC-300

Most of the basic principles of LU-131 and NPC-205/232 have been retained, particularly for transportation sources. The major changes relate to stationary sources. The principle of predictable worst case still applies. The major distinction between how transportation and stationary sources are addressed remains. While there are indoor noise criteria for transportation sources and upgrading a building envelope is a standard noise mitigation approach, there are no indoor noise guidelines for stationary sources. Upgrading windows for stationary source noise control is not acceptable. With some exception, the stationary source noise limits apply, outdoors, at the planes of sensitive windows at receptors. In some cases, certain requirements (e.g., sound limits) have been made somewhat more stringent; in others, requirements are less stringent than before. The document is somewhat complex, being 56 pages, but it does replace/combine four previous documents. Some of the salient changes are:

A new receptor area classification, Class 4, has been added with relaxed sound level limits to apply to proposed new, unbuilt, noise sensitive land uses in proximity to lawfully, established stationary source(s), to be used only with the concurrence of the land use approval authority. For outdoor areas, the sound limits are 5 dBA less stringent, 10 dBA less stringent on building façades. Also, receptor noise mitigation measures not permissible in other areas can be used. Land use approval authorities (e.g., municipalities) will have to develop their own procedures about how to deal with applying Class 4 receptor principles.

Testing of emergency equipment (such as emergency generators) no longer needs to be included with other noise sources comprising the stationary source, and emergency equipment is now assessed separately, with sound limits 5 dBA less stringent.

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lands are no longer considered noise sensitive points of reception.

The sound level limits for impulsive sound are revised, with a graded scale related to the number of events per hour rather than just two types of criteria for frequent or infrequent occurrences.

There are many other detailed changes and clarifications in NPC-300. Most of the clarifications are very useful. However, as might be expected in a complicated document, some of the new wording does raise new issues of interpretation.

As did the previous noise guidelines, NPC-300 serves two main purposes. It is used by MOE as if it were a regulation for environmental approvals, compliance determination and investigating noise complaints for stationary sources. It is also intended to provide guidance to land use planning and approval authorities to assist in protecting the public from adverse noise impact and to result in land use compatibility. For this latter purpose its role is as a guideline, with land use approval authorities being able to adjust the requirements or impose additional ones, as they see fit in accordance with the *Planning Act*.

No doubt there will be many questions about the application of NPC-300, particularly during the transition period. Hopefully, the problems arising from the previous discrepancies among the various guidelines will no longer be present and interpretation issues arising from new wording in the new guideline will be easily resolved.

Al Lightstone, Ph.D., P.Eng., is president of Valcoustics Canada Ltd., a firm of consulting acoustical engineers, which undertakes projects in environmental and architectural acoustics across Canada and internationally. Thanks to Steven Rowe, contributing editor.

ENVIRONMENTAL NEWS

Air Quality Protection

Planners take heed

By Kasper Koblauch

“Air pollution is not only a major risk to health in general, but also a leading environmental cause of cancer,” states an October 17th press release by the International Agency for Research on Cancer, a specialized agency of the World Health Organization (WHO). The statement, which concludes a review of over 1,000 scientific papers, goes on to estimate that worldwide 220,000 people died prematurely in 2010 as a result lung cancer attributed to air pollution.

The announcement marks the first time the WHO has classified air pollution, across the board, as cancer causing, though many individual airborne pollutants such as carbon monoxide, sulphur dioxide, and diesel exhaust had previously been labelled carcinogenic. Air pollution has also been linked

to asthma, lung disease, and a number of cancer types. It will now be listed by the organization as a Group 1 human carcinogen alongside asbestos, tobacco smoke and ultraviolet radiation. As professional planners, as well as simply human beings, this news should have us sitting up in our seats.

Coming on the heels of the WHO’s announcement, an editorial published by the *Canadian Medical Association Journal* estimated that, in Canada, air pollution causes approximately 21,000 pre-mature deaths annually. To put that figure into perspective, it represents nine times the number of Canadians who die annually in vehicle accidents. It’s a fitting comparison since the transportation sector is one of the most significant sources of air pollution in Canada and here in Ontario.

Over the past three decades, the number of vehicle kilometres driven has grown faster than the population, and the correlations between this trend and land use patterns during the same period are evident. The Canadian Mortgage and Housing Corporation estimates that single-use, low-density neighbourhoods located far from a downtown result in three times more annual emissions per household compared to compact, mixed-use neighbourhoods. Our decisions about land use are strongly linked to transportation, and in turn, the quality of air that we breathe. While perhaps not news to anyone reading this journal, it is important to remember.

Now a little good news: air quality in Ontario has been seeing general improvements over the past decade, largely a result of stricter emissions standards and fewer coal-fired electricity stations. However, ever-increasing congestion in places like the GTHA has the potential to locally negate some of these gains. So, what are professional planners doing to protect public health? The remainder of this article is intended to illustrate, in fairly broad terms, some of the relevant planning policy and initiatives being taken. The purpose is also to get planning practitioners thinking about what they can do in their practice, organization and communities in response to the health risks posed by air pollution.

At the provincial policy level, Ontario’s land use policies work, perhaps in some cases indirectly, towards improving air quality. The *Growth Plan for the Greater Golden Horseshoe* and *Provincial Policy Statement*, for example, support an efficient and sustainable built form while the *Greenbelt Plan* and *Oak Ridges Moraine Conservation Plan* support the preservation of our pollution-sequestering natural heritage and green spaces. Municipal official plans reflect the spirit of these policies by encouraging, for example, mixed-use and compact forms of development.

A number of cities deserve kudos for addressing air pollution head-on through air quality monitoring, benchmarking and goal setting. The City of Toronto’s Climate Change, Clean Air and Sustainable Energy Action Plan, for example, sets targets for pollution reduction and proposes potential actions towards meeting those goals. In some municipalities, these types of efforts have been championed, not by municipalities directly, but by multi-stakeholder groups committed to improving air quality. In Hamilton, the Clean Air Hamilton group monitors and sets air quality goals in addition to undertaking research, advising government on policy and releasing an annual progress report.

Success in meeting urban air quality improvement targets will, in large part, be dependent on shifting transportation patterns—and exciting initiatives are happening on this front. In Waterloo Region, the 19-kilometre ION rapid transit line is under construction and anticipated to be operational by 2017. Among numerous other benefits, the line will replace the many diesel busses that currently serve the route as well as demonstrate that higher-order transit is possible in a range of locations and not just in Canada's largest cities.

While major transit projects hinge on significant funding, active transportation requires fewer resources, creates no pollution and works towards additional public health objectives. A number of cities have completed active transportation master plans, like the City of Guelph's new Cycling Master Plan, which will guide the city's expanding bike network. Beyond planning and providing infrastructure, municipalities can take an active role in nurturing a culture of active transportation. This summer, the City of Burlington sponsored two Car Free Sundays in its downtown as a way to celebrate the social and health aspects of leaving the car behind, if even just occasionally.

These initiatives and policies are largely proactive, as they address the underlying patterns that contribute to air pollution. In a more reactive sense, planners can take air quality into account when considering the siting of sensitive land uses such as schools, hospitals, daycares and homes. Not surprisingly, high volume traffic corridors, whether 400-series highways or busy urban arterials, are host to some of the worst local air quality. In Halton Region, as part of its official plan review,

Public Health recommended minimum separation distances of 150 metres between 400-series highways and sensitive land uses. Restaurant drive-throughs are another source of elevated pollution levels that might be considered in the siting of sensitive uses.

As planners—whatever the sectors and specializations—there is much that can be done to mitigate and ameliorate urban air quality. In light of the recent confirmation of carcinogenicity, it is an issue that should be taken seriously in the decision-making process. The call to action is coming not only from planners, but from practitioners in the medical and public health disciplines. The *Canadian Medical Association Journal* editorial noted above, points specifically to better land use planning and traffic management strategies as critical to improving air quality. The ball is in our court.

Kasper Koblauch is a recent graduate of Ryerson University's Master of Planning program and a correspondent for Planetizen's online planning newswire. Thanks to Steven Rowe, contributing editor.

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