

# ONTARIO PLANNING JOURNAL

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C A L E N D A R

BE SURE TO ATTEND THE  
ONTARIO PLANNERS' CONFERENCE 1990

The Eastern Ontario District will host the 1990 Ontario Planners' Conference in Ottawa at the Radisson Hotel, October 28th to 31st.

The theme of this first full-scale conference organized by OPPI is "Planner as Visionary".

Under this umbrella theme, the conference will focus on the changing contexts facing planners as visionaries, the tools available to the professional and various client groups, as well as strategies required to bring about change.

Feature speakers will include: John Sewell, former mayor of Toronto, Jean Pigott, Chairman, National Capital Commission; Senator Herb Sparrow, Soil Conservation Canada, Scott Merrill, the architect involved with Seaside, Florida; Michael Keating, author and former environmental reporter for The Globe and Mail; as well as a number of other thought-provoking individuals addressing a variety of diverse subjects. Complementing the plenary workshop sessions will be a series of tours of Ottawa-Carleton's transitway and bike path network, the By-Ward Market, the National Capital Commission's Greenbelt and Ceremonial Route. On the social side, highlights include a "Murder Mystery" dinner to be held on the night of October 29th.

Conference Chairman Nick Tunnacliffe and Ray Essiambre, on behalf of the Organizing Committee, would like to extend an invitation to all members of OPPI to join them in the nation's capital this year for what will undoubtedly prove to be a "must attend" event.

Information on the registration, conference airline and hotel will be circulated through OPPI's regular mail. In the meantime, if you have any questions, please contact Andrew Hope at (613) 560-2053.

STUDENTS

PETER MARTIN SCHOLARSHIP

In July, the federal government approved an educational foundation to be administered by the OPPI.

The awards will be \$1000 per student, with two awards being given—one to the University of Waterloo and one to Ryerson. Students will be selected from courses offered by UDI. The ini-

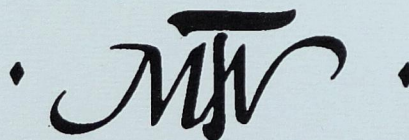
tial awards are expected to be granted in Spring 1991. The awards will be given through the UDI Education Foundation.



Three of Peter Martin's former colleagues Lou Greenbaum, Anne Beaumont and Jim Knox are coordinating funding for these scholarships.

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## “PLANNER AS VISIONARY”:

AN INTERVIEW WITH NICK TUNNAcliffe & R. ESSIAMBRE

*The next OPPI Conference will be held on October 28-31 at the Radisson Hotel in Ottawa*

**OPJ:** Why did Eastern District volunteer to organize the first OPPI conference outside Toronto?

**NT/RE:** We felt there was an opportunity to look at planning in Ontario from a different perspective that would showcase Eastern Ontario in general and the Ottawa area in particular.

**OPJ:** What is different about the conference?

**NT/RE:** First, we have chosen a theme “Planner as Visionary” to stimulate discussion. Planning as a profession must face the challenges of the future with vision. The future will not be a replay of the past. Second, we deliberately chose speakers, not all whom are planners, to challenge you to think about that future.

**OPJ:** What are you thinking about in particular?

**NT/RE:** Our keynote speaker is John Sewell, with his background in municipal politics, journalism and law. He is well known both for his vision and his ability to express it. Our Monday morning sessions will feature ordinary Canadians such as a police officer, cab driver, and artist, who will tell us what they think of the communities we are planning. As the consumers of our product we think they will have

something very important to say.

**OPJ:** What are likely to be the highlights?

**NT/RE:** We are looking forward to hearing Jean Pigott, Chair of the National Capital Commission talk about her “vision for a Federal Capital”, and Senator Sparrow talk about “Land at Risk.”

The great variety of sessions is also a highlight—we have sessions on everything from the changes (economic, demographic,

and how to put vision back into planning.

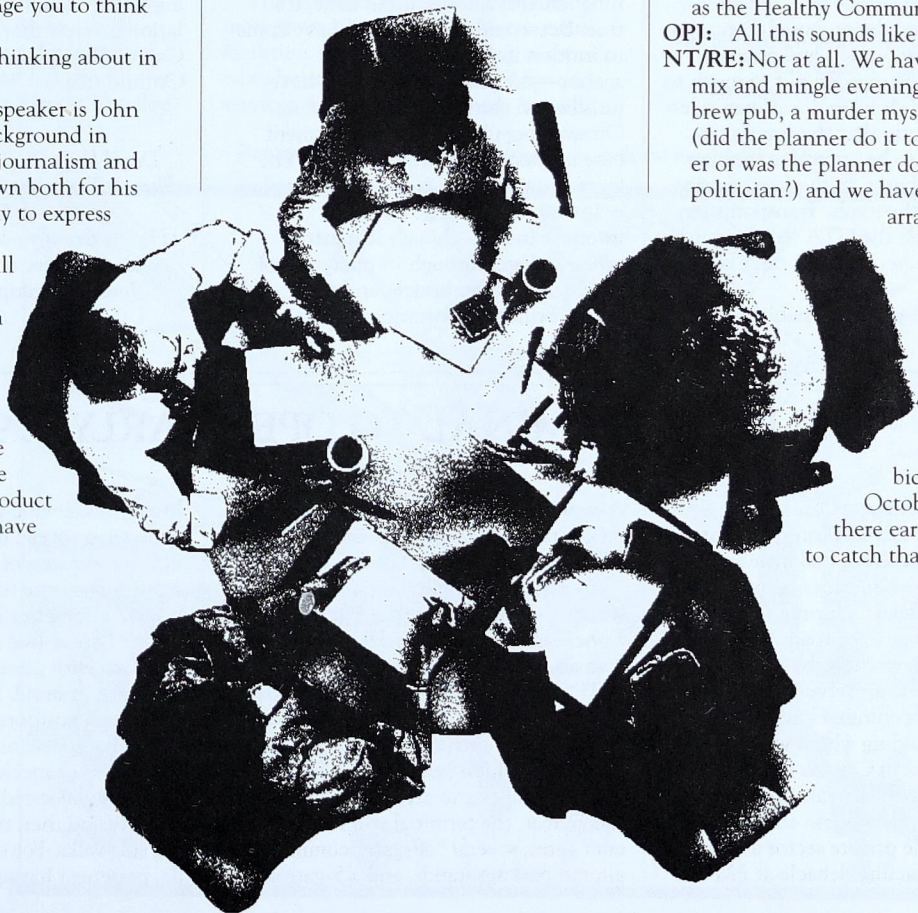
Finally, a highlight for us is going to be the comparison between visions past and how they were carried out, such as Ottawa-Carleton’s own transitway, Seaside (Florida), BC Place and False Creek, the Niagara Escarpment, and visions of today and how they are proposed to be implemented such as the GTA proposals, the Affordable Community in Calgary, the Core Area West in Ottawa as well as the Healthy Communities project.

**OPJ:** All this sounds like a lot of work.

**NT/RE:** Not at all. We have arranged a mix and mingle evening at a local brew pub, a murder mystery evening (did the planner do it to the developer or was the planner done by the politician?) and we have four tours

arranged so you can see the sights and get expert commentary on what’s new in Ottawa-Carleton. One of the

tours is by bicycle Sunday, October 28. So get there early if you want to catch that one.



# A CHANGE OF PACE

by David Kriger

**A**fter a two-year stint in Toronto, I'm back in Ottawa. What a difference! I had to laugh when the radio DJ reported one afternoon that traffic on a suburban leg of the Queensway was moving slowly, at "only" 60 kph. But that only serves to underscore a basic concern of communities outside the Greater Toronto Area: though their road and transit networks may not be as congested as those in the GTA, problems still exist. Much of the Province's multi-billion dollar transit initiative, announced last spring for Toronto, is directed towards solving current problems, let alone future needs—even if some facilities are still some years away from construction. But the peak period transit shares of trips to and from Ottawa's downtown have just about reached their maximum—about 70% in the morning, and 60-65% in the afternoon. Therefore, the proposed Central Area Transitway tunnels and related improvements are needed not so much to fit future modal shifts in downtown ridership, but to ensure that the transit service continues to be attractive to those already on the buses, in the face of rising congestion on the roads. Transportation problems outside the GTA may be quieter and less acute, but they can't be ignored.

The problem is, it's the public—not

the planners—who ignore the problems. Media surveys regularly rank traffic congestion as the chief of Toronto's urban ills. In Ottawa, on the other hand, congestion isn't nearly as critical yet, to cause public concern. That's the key difference, but I think another important one is the more intense, somewhat livelier media coverage of local transportation issues in Toronto. You didn't have to agree with what was being said, but it's hard to think of a better way to get the public thinking about the issues—or, more to the point, to be able to inform and educate the public their options are and to ensure successful program implementation. Is it consistent with the planner's role to stimulate media debate?

The GTA transit initiative also underlines the imperative of thinking beyond regional boundaries. Super-regional planning remains a contentious issue, it's true. But would the initiative have come to fruition if the key funding agency—the province—did not have jurisdiction throughout? In contrast, Ottawa's population and employment base is spread over two provinces. The federal government is an important player in accommodating interprovincial—though still intra-urban—travel through its operation of the Ottawa River bridges and other programs. Still, transportation planning on

the two sides of the Ottawa River must follow two different provincial planning acts, regional structures and sets of priorities. Interprovincial transportation planning committees make things happen at several levels. Might there be an "Office of the Greater Ottawa" in that city's future? Perhaps the Metropolitan Planning Organizations, characteristic of U.S. cities, could provide a model. MPOs usually do not have governmental powers, but their federally mandated transportation planning activities cover the entire urban area—even when it crosses state boundaries. The ramifications obviously go way beyond those touched on here. But the benefits of thinking regionally already have been recognized locally, tourism being a prime example. Perhaps a sign recently put up on the road to Ottawa provides a hint of how things might be viewed in the future: the population given is that of the entire National Capital Region, not just that of the Ontario side.

*David Kriger is a Senior Transportation Planner/Engineer with Delcan Corporation in Ottawa.*

*He has recently relocated back to Ottawa after two years in Toronto. David is the Journal's transportation columnist.*

## TRILLIUM TERMINAL TO OPEN EARLY 1991

by Mitchell Cohen

**I**n recent years, air travellers using Pearson International Airport have had little to cheer about. Increasing air traffic control delays, chronic terminal congestion and clogged roads leading up to the airport have been the norm. Come early 1991, air travellers will be treated to the opening of a state-of-the-art terminal building which will be the first air terminal in Canada to be owned and operated by the private sector.

Transport Canada began studying the possibility of the private sector assisting in solving the facility debacle at Pearson

Airport in 1985. After a much publicized tender process, Transport Canada awarded a contract in the fall of 1987 to the Airport Development Corporation (a wholly owned subsidiary of Huang and Danczkay Properties) to design, develop, own and operate Pearson's third terminal.

The Trillium Terminal (Terminal 3) is rapidly reaching completion on a 130-acre site just north of Terminal 1 with a work force which peaked at close to 1,500 people. Built-out to an area of 1,400,000 square feet, the terminal will fit 24 aircraft gates, several "off-gate" commuter aircraft parking stands, and a 5-gate satel-

lite terminal which will be accessed by a pedestrian tunnel under the tarmac. The massive expanse of tarmac contains enough concrete to build a 2-lane highway 42 kilometres in length.

The barrier-free terminal has been designed with passenger speed and convenience in mind. Departure lounges have been positioned to minimize potential walking distances through the terminal. Banks of specially designed check-in counters will speed the traveller through security and then onto an array of moving sidewalks. For the first time in Canada, passenger luggage will be computer



*The nearly completed Terminal Three Building: future privatization initiatives at Pearson may hinge on the government's experience with this project.*

sorted with the use of bar-coded baggage tags.

The centrepiece of the Terminal is the vast airline ticketing and check-in area or the "Grand Hall." A 45-foot high vaulted glass ceiling runs the length of the hall allowing natural light to fill the terminal. According to Airport Development Corporation spokesperson Jack Fleischman, "the Grand Hall evokes a sense of entry and exit to the country ... like the railway stations of the past." Much of the remainder of the Terminal has been constructed with glass ceilings and walls to allow for natural light.

Another Canadian first is the extensive glycol recovery and recycling system that is being installed under the tarmac. Glycol, which is used as an aircraft de-icing compound, commonly winds its way through the airport drainage system and ends up as a source of pollution in Etobicoke Creek. Finally, to cut down on the

amount of construction-related debris, much of the old tarmac has been successfully recycled into new materials.

The Trillium Terminal has devoted more than 100,000 square feet to retail facilities. A retail mall is being constructed to house about two dozen shops and services that, says Fleischman, "... will

change the perception of airport retailing." Anchoring the up-scale retail mall be Harrod's of London.

Besides the actual terminal itself, a five-storey parking structure is being constructed with a 500-room deluxe hotel built directly above. Both the parking garage and the hotel are connected with the terminal by above ground all-weather walkways. Ultimately, the project includes the completion of a seven-storey office tower to be located next to the hotel and connected by an enclosed glass atrium.

The opening of the world-class Trillium Terminal in the new year will provide welcome relief to the over-taxed airport. Transport Canada has received three unsolicited proposals to redevelop and operate Terminals 1 and 2 from consortiums that recognize the financial potentials involved. Coupled with the possible construction of new runways, we may finally be on the flight path for long over-due improvements to the woefully inadequate facilities at Pearson Airport.

*Mitchell Cohen writes frequently on airport and aviation matters.*

*This is his third article for the Journal.*

*Pearson's newest terminal is designed to meet the needs of the 90's.*



# Planner as Visionary

**O**ur cover story concerns OPPI's first major conference, to be held in Ottawa at the end of October. The theme - Planner as Visionary - is ambitious, and the line up of speakers is outstanding. We wish the

organizers the best of luck and long line-ups at the late registration tables!

The conference could have no better inspiration, however, than "Watershed", a tiny perfect book recently published by the Royal Commission on Toronto's Waterfront. David Crombie and his staff of expert advisors have literally set a new standard for the visionary application of sound planning principles. It is also interesting to note that Mr Crombie has picked up the central message of the recent OPPI sponsored Charette: that the waterfront should be "clean, green and accessible".

The report, which is the second interim report of the Commission since its inception in 1988, steps carefully from issue to issue and from jurisdiction to jurisdiction

along many miles of waterfront. Somehow, the authors manage to deliver their message authoritatively without resorting to the preachy tone of those experiencing 20/20 hindsight. In places, particularly in discussing the Etobicoke section of the waterfront, the report is blunt, but overall achieves a remarkable continuity and consistency of argument.

Although one may question specific recommendations of the report, it is hard to argue with its overall thesis concerning the need to expand the scope of our thinking regarding the cumulative impact of development. Establishing a broader context for local decision making to take account of environmental effects could well tie competing interests together, as well as change the basis for rulings by the OMB and other tribunals. Clearly, finding ways to effectively implement these ideas will be very difficult.

Another important theme running through the report is the challenge for government to make transportation (and other infrastructure) decisions based on "broader considerations" other than vehicle counts or road capacity alone. This is consistent with the method of evaluation used in the GTA studies described in the most recent issue of the Journal. It will be interesting to see how closely these two initiatives can be matched.

During the months ahead, there will be much discussion concerning the manner in which rapidly changing outlooks should be allowed to affect our entrenched decision-making processes. As some commentators have already pointed out, there is a lot of untapped potential within existing legislation - the problems lie with the way it is being used. At the same time, there are shortcomings which will have to be dealt with.

The next issue of the Journal will contain more discussion about the report - both pro and con. In the meantime, get



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hold of a copy of Watershed, read it from cover to cover, and let us know - in writing - what you think. As the Watershed report points out, there is no simple solution or a single correct approach. The complex issues facing us today need a genuinely collaborative approach that addresses the competing needs of all interests. An organization with a broadly based membership such as OPPI has much to offer, since our members are active in almost every sector of the economy and at

every level of government. We should say what we think about the issues raised in Watershed, both individually and as a professional organization.

Item: Demand for the watershed book far outstripped supply, with 500 copies distributed in less than a week. As word of the report's importance spread, the Commission fielded many calls from professionals and members of the public anxious to get their hands on a copy.

Overheard: In the reception area of the Commission, one half of a telephone conversation: "No ma'am, I'm sorry. There are no more copies available at the moment. We're reprinting as fast as we can. In the meantime, all I can do is put your name on a waiting list. No, I'm sorry. You'll have to wait like everyone else. It'll be about a week. If you like, I'll take your name and address. Fine. Okay. That's J.A.C.O.B.S. Okay. And the last name...?"

Glenn Miller, Editor

## LETTERS

### Planners should take more responsibility for the Environment

The recent May/June issue of the Ontario Planning Journal, devoted almost entirely to the environment, was both timely and provocative. There is indeed a planning-related environmental dilemma in this province. For many years I wondered why planners showed so little interest in the natural environment. For a while I accepted the conclusions made by the Planning Act Review Committee in their 1977 report that the tools of planning were inappropriate to environmental management, that to "have regard" was consideration enough. Later I accepted that somehow all the fragmented environmental agencies in Ontario would bring it together in the rough and tumble of the planning forum. I now believe that there is a great need in our society for planners to take more responsibility for the state of our environment.

In as much as the 1983 Planning Act has been good to Ontario planners, the "environment" may be the vehicle for planners to regain their rightful place as leaders in the planning process. For the most part, to affect the turn around, I think it is simply a matter of planners as individuals and as a professional group simply to speak up. Planners I think should take the "lead role" in undertaking a review of the potential of the Planning Act and other Acts that relate the environment.

For example, Ruth Ferguson referred to Conservation Authorities and the requirement that some databases must extend beyond municipal boundaries. It is interesting that both the original Planning Act and the Conservation Authorities Act were both established by the same Minister, Dana Porter, Department

of Planning and Development in 1946 and 1947. Both Acts remain basically unchanged. But, no Role and Mandate Report, Watershed Planning Exercise, Taylor Report or most recently, the Inter-ministerial Report has managed to reconcile the two Acts and bring the Authorities onstream as the useful and valuable contributors that they were originally intended to be. This is another area that planners should examine. Are Conservation Authorities providing adequate input to Official Plans and are they truly representing the Watershed perspective?

It may not be our first choice, but by default Ontario planners must take a leadership role in environmental management. There is an opportunity to step beyond our comfortable role as regulators, approvers, and facilitators. We may even assume our classic role as generators of innovative ideas and designs. If nothing else it is a time to demand that the environment be given due regard.

James A. (Sandy) Hay, MCIP, OPPI

•••

On January 1, 1991 the Municipal Freedom of Information and Protection of Privacy Act, 1989 will come into effect

and will apply to municipalities, local boards, agencies and commissions throughout Ontario. Our office has been working with Management Board of Cabinet, offering awareness and training sessions to local governments across the province. Although some of your members may have attended these sessions about the Act, some may not even be aware that the Act exists.

It an effort to ensure that all your members are aware of the new legislation, I have prepared an article entitled "Local Government and the Municipal Freedom of Information and Protection of Privacy Act". The article provides a general explanation of the Act and the role of the Information and Privacy Commissioner.

Sarah Jones

Manager, Communications

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Editor's Note: A copy of this article is available from the OPPI office, or from Sarah Jones directly.

MORE LETTERS ON PAGE 24



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# TORONTO'S LOBBYIST DISCLOSURE REQUIREMENTS

by Stanley Stein and Michael Bowman

**O**n November 16, 1989 the City of Toronto passed By-law 716-89 to establish a "Lobbyist Disclosure System" that was intended to come into effect on February 1, 1990. The implementation date was subsequently amended to July 1, 1990, and the procedure is now in force and is being adhered to rigorously. The new system affects any individual or company seeking approval from the City of Toronto for Official Plan Amendments, rezoning or other regulated activities specified in the by-law.

As a technical matter, the applicable by-laws are By-law 716-89, as amended by By-law 307-90 (passed by Council May 28, 1990). These by-laws are set up as amendments to By-law 976-88, which is "A By-law To Regulate the Proceedings of Council." This is important, because the entire process of lobbyist registration is being handled as a matter of Council procedure. The by-law expressly prevents the City Clerk from placing applications before Council or a committee of Council unless the "Lobbyist Disclosure Form" that is current to the date of the preparation of the Council Order Paper or committee Agenda has been filed with the City Clerk.

The current procedure, discussed below, replaces By-law 183-89, which was

repealed as of November 16, 1989. The process under the old by-law required the lobbyist to report lobbying activity, and this was attacked by the Law Society as breaching the solicitor/client relationship by requiring lawyers to identify their clients. The new by-law gets around this problem by shifting the onus for lobbyist disclosure to the actual applicant.

The new process is extremely cumbersome, and its administration will likely prove to be a nightmare for applicants, lobbyists (e.g., lawyers and planning consultants) and the City administration. A summary of some relevant provisions follows:

### Application of the By-law

The lobbyist disclosure requirements apply to any "applicant" who makes application for any of the items enumerated in section 80A(a) of the by-law. These include an official plan amendment, zoning by-law amendment, a site plan approval, or a response to a proposal call made by the City.

### Obligation to Register

The onus is on the applicant (not the lobbyist) to file a Lobbyist Disclosure Form with the City Clerk before consideration of the application at a meeting of Council or a committee of Council. The Form may be filed by the applicant's authorized agent, and in that event the "Lobbyist Disclosure Agent" must swear an affidavit that he or she is the agent for the applicant and will be disclosing all lobbying activities with respect to that application.

A Lobbyist Disclosure Form should be filed whether or not lobbying has or

will occur.

### Who is a Lobbyist?

The idea of "lobbying" is not defined but a "lobbyist" is. In brief a lobbyist is a person who is paid to make representations for an applicant and attempts to influence a decision of Council or any of its committees. An employee of the applicant is exempted from reporting unless a significant part of his or her duties is to make representations on behalf of the applicant.

The concept of being "paid" to make a representation is defined as follows:

'paid' means acceptance of compensation whether in money, contingency fees, goods or services in exchange for services rendered.

The "person" who may be a lobbyist is the expanded definition that includes a partnership, corporation, or unincorporated entity.

A representation is virtually any communication and



includes meetings, phone calls, letters or written submissions to members of Council and/or officials. The by-law contains an exception that one does not act as a lobbyist when one "merely" seeks information about an application.

The Lobbyist Disclosure Form requires identification of Council members and their staff who are lobbied, also identification of departments in which "officials" are lobbied (but not their names), the period during which lobbying was carried on, and the number of lobbying occurrences.

The term "officials" is defined by a lengthy schedule to the by-law which effectively covers most people at City Hall. The list includes representatives of the City Clerk's Department, the Legal Department, the Planning Department, and the Public Works Department. In effect, any contact with these persons, other than to "merely seek information about an application", will constitute lobbying. It is therefore clear that virtually all activities by lawyers, architects, planning or traffic consultants or others representing an applicant will be considered to be "lobbying".

Although an applicant acting on his or her behalf is technically not a "lobbyist" within the definition, the applicant must still file a Lobbyist Disclosure Form.

### Compliance

Lobbyist Disclosure Forms must be obtained from the City Clerk's Department on the second floor of City Hall (392-1018), specific departments at City Hall or community offices (e.g., of the Buildings and Inspections Department). The forms are numbered and the actual form obtained from the City must be filed with the City Clerk, second floor City Hall. Since the forms are all numbered, photocopies are not accepted.

The timing requirements are critical. Initially the Lobbyist Disclosure Form should be filed when the application is first made to the City. Even if the applicant does not intend to cause lobbying to occur, the form should be filed, and this may be done whenever up to the closing of the agenda for the relevant meeting where the matter will be considered. Note that in many cases the Agenda closes almost two weeks before the actual meeting.

For new applications made after July 1st, if the applicant does not intend lobbying to occur, the applicant may file the Disclosure Form whenever from the making of the application up to the closing of the Agenda for the relevant meeting where the application will be first considered. But, this filing does not prevent a "change of intent" and actual lobbying activity. If a Disclosure Form has already been filed, and lobbying takes place after that filing, an updated Disclosure Form must be filed during the time "window" specified in the by-law.

For applications that are pending with the City for which no Lobbyist Disclosure Form has ever been filed, it is essential that a first Disclosure Form be filed during the time "window" specified in the by-law, whether or not lobbying has occurred. Specifically, the first filing or update "window" is approximately 48 hours comprising the period two business days before the day on which a committee Agenda closes and up to 10 a.m. on that morning. For example, for a matter to be considered by the Land Use Committee meeting of August 15th, the "window" is during the

business hours of  
July 31, August

1st, and up to 10 a.m. on August 2nd.

Note that in many cases applications are considered first by the Land Use Committee, then the Executive Committee, and then Council. If lobbying occurs after the Land Use Committee meeting and before the meeting of the Executive Committee, then the Lobbyist Disclosure Form must be updated in the "window" between 9 a.m. of the day three business days before the Executive Committee meeting and 10 a.m. of the day before the day of the Executive Committee meeting.

If further lobbying takes place between the meeting of the Executive Committee and Council, the Lobbyist Disclosure Form must be updated yet again, in the "window" three days before the day of the Council meeting and 10 a.m. on the day before the Council meeting. If there is no such updating, the City Clerk will assume that the most current Lobbyist



*Lobbyist legislation threatens to tie up City Hall*

Disclosure Form is up to date.

If a matter goes to Council directly first without first going to a committee, the updated form must be filed in the "window" between 9 a.m. of the day three business days before the Council meeting and 10 a.m. of the day before the Council meeting.

Since the Lobbyist Disclosure Form must be signed by the applicant or its authorized agent, the person has an obligation to be aware of and disclose all lobbying activity during the relevant period of time. This includes the identification by name and address of the lobbyists, when they lobbied, which members of Council and their staff were lobbied and an indication of department officials lobbied. This means that diaries must be kept by all "lobbyists" and a tracking or reporting system should be established to enable the person signing the Disclosure Form to have a complete and accurate record of lobbying activities. If a lawyer is acting as the Disclosure Agent, the lawyer must

ensure that other lobbyists, such as architects or planning consultants, keep the lawyer advised of the lobbying activity, and the filing of the Disclosure Form must be updated accordingly. If there is more than one lawyer at a law firm who acts for an "applicant" and one of the lawyers acts as the "Lobbyist Agent", that lawyer must take the primary responsibility for lobbyist disclosure by swearing the affidavit, and other lawyers and consultants who are involved in the "lobbying process" will be identified as lobbyists in addition to the "Lobbyist Agent" with respect to their individual activities.

There is some lack of clarity as to transition provisions in that the by-law and present forms do not clearly indicate whether the disclosure is only with respect to lobbying activity that takes place after July 1, 1990 (when the provisions became effective), or some prior date. Since the detailed records of lobbying probably were not kept before July 1st, it may be necessary for the

lobbyist disclosure process to be simply summarized without the level of detail that will be required after July 1st.

All Lobbyist Disclosure Forms and updates will be made available for public inspection in the City Clerk's office during normal business hours.

#### Penalty

Any person who knowingly furnishes false information or makes a material omission from a Lobbyist Disclosure Form or update is guilty of an offense under the by-law. The maximum fine is \$2,000.00. Also, there could be potential negative consequences resulting from adverse publicity.

#### Unanswered Questions

There are still outstanding questions about the legal jurisdiction of the City to enact the lobbyist registration system outlined above. Arguments have been raised regarding its potential infringement of the right to freedom of expression under the Canadian Charter of Rights and Freedom. There are also questions about loopholes such as "unpaid" lobbyists and the rationale of the exemption for "paid" employees. However, since the by-law procedures are being enforced by the City staff, and because Council and its committees will not consider matters unless there is a compliance with the by-law, it must be treated as valid legislation until a court rules otherwise.

For further information, please contact Stan Stein at (416) 862-6439 or Michael Bowman at (416) 862-6834.

*The authors are both lawyers with Osler, Hoskins & Harcourt. This Summary is an overview of the new lobbyist disclosure system; it cannot be regarded as legal advice.*

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# CLOSELY WATCHED DRAINS

Urban Form, The Environment and Toilet Seats: An Unlikely Trio

by Dave Hardy

**R**ational planning, comprehensive planning or toilet-seat planning.

Quick! Which type of planning has the greatest influence on urban land form?

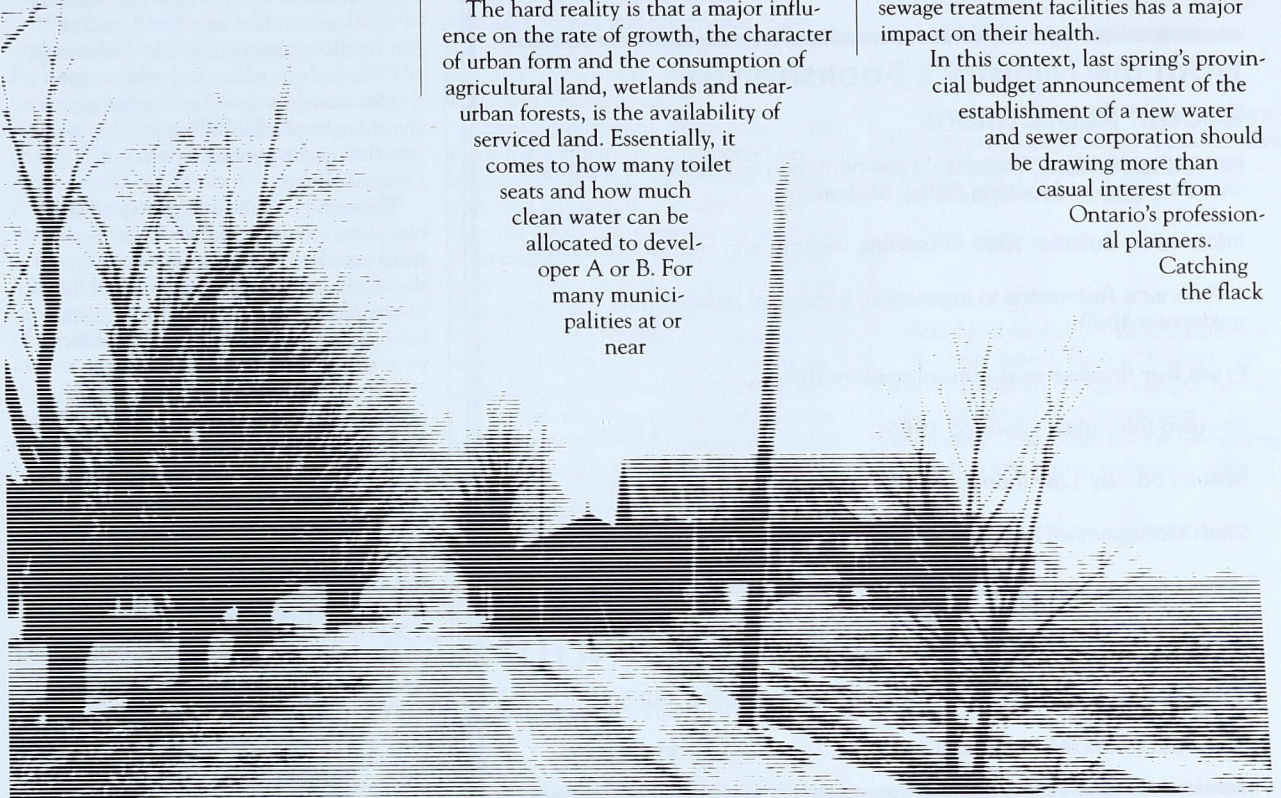
You guessed it.

The hard reality is that a major influence on the rate of growth, the character of urban form and the consumption of agricultural land, wetlands and near-urban forests, is the availability of serviced land. Essentially, it comes to how many toilet seats and how much clean water can be allocated to developer A or B. For many municipalities at or near

capacity, the availability of sewers and water systems is an essential control upon urban growth. And for many lakes and river systems, the adequacy of sewage treatment facilities has a major impact on their health.

In this context, last spring's provincial budget announcement of the establishment of a new water and sewer corporation should be drawing more than casual interest from Ontario's professional planners.

Catching the flack



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of environmental organizations, Treasurer Robert Nixon announced the formation of a new public corporation with a mandate to provide expanded and upgraded water, sewer and sewage treatment systems. Nixon described the new

corporation's role as insuring there will be an increased amount of capital available to municipalities. Like Ontario Hydro, it will borrow money supported by Province of Ontario debt guarantees. Still skittish about the possible

diminution of the Ministry of the Environment's power, environment groups reacted strongly to the placement of the new corporation under the Ministry of Municipal Affairs. Pollution Probe, the Canadian Environmental Law Association, the Toronto Environmental Alliance and the Ontario Public Service Employees Union saw the move as another play in what they felt was an organized effort by members of the Cabinet to decrease the power of the Ministry of the Environment in general, and of Jim Bradley in particular. The Federation of Ontario Naturalists and other organizations were less than enamoured with the thought of establishing another corporation of the potential power of Ontario Hydro.

Through Nixon's fire-fighting efforts, but, some groups agreed that Environment may be in a better position if it doesn't have to juggle the responsibilities of being both a proponent and a regulator—an area where it's had some difficulty in the past.

Behind the formation of the corporation is because a large portion of the Provincial budget goes toward supporting municipal infrastructure improvements. As well, the new corporation promises to improve funding and technical advice, similar to the support received by municipal electric utilities from Ontario Hydro.

If properly set up, the corporation promises to assure water quality, save money for the taxpayer, promote water conservation and contribute to healthy cities. Overall, the corporation has great promise for improving inadequate sewers and water systems that are now a source of pollution. With technical solutions at hand, servicing problems often revolve around underfunding.

According to Gerry Rupke, President of the Water Pollution Control Association, "planners should be watching for how the corporation is funded." Rather than have the corporation dependent on the tax base, "it should be supported through the principle of user-pay." Only in this manner can environmentally essential water and sewer systems avoid shifting funding priorities.

The Corporation's new Chair, former consultant James F. MacLaren, states that it's mandate is to "promote environmental health and safety while respecting the autonomy of local municipalities." How it deals with the autonomy of municipalities and related land-use planning mat-



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### Questions about the Freedom of Information Legislation?

The Municipal Freedom of Information and Protection of Privacy Act, 1989 comes into effect on January 1, 1991. Preparing for the Legislation: A Guide for Municipal and Local Boards and A Summary of Bill 49 for Municipalities and Local Boards are two publications available from the Freedom of Information and Privacy Branch, Management Board Secretariat, 18th Floor, 56 Wellesley Street West, Toronto, Ontario M7A 1Z6

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ters is an essential issue.

Planners are often witness to Development A receiving sewage capacity while Development B, in the same watershed but across political boundaries, receives none. In light of this, we should be watching for whether the new corporation will be able to effect changes to sewage and water systems toward a more logical design that reflects the ecosystem capacity and topography of watersheds.

When asked whether the scope of the corporation would be enough to allow for a restructuring of sewer and water servicing areas, MacLaren suggested that the corporation could "offer a service to pull together municipalities if two or more require assistance in resolving conflicts and assist in reorganizing sewer systems and water supply systems."

One assumes that the corporation will follow Municipal Affairs regional planning initiatives by supporting whichever of the three Greater Toronto Area alternatives is selected. MacLaren suggests that, "rather than considering the land-use implications of sewer and water systems, the new corporation will be reactive, responding to whatever Municipal

Affairs deems to be practical."

A more interesting reactions to the announcement has been the awakening of the Province's environmental groups to water and sewer servicing issues. It's not that environmental groups were sleeping when servicing schemes like the York Durham Sewer were constructed in the early 1970s. It's just that there was less understanding of the linkage of water, and particularly sewer servicing, to land development and the resulting loss of farmland, forests and greenlands. Also, there is now more understanding of the pollution prevention benefits of effective water and sewage systems.

Many organizations are anxious to hear about the servicing recommendations arising from the various land-use options suggested by the Office of the Greater Toronto Area. The pressures for additional servicing are considerable in Regional Municipalities such as York and Durham. Several developers have already suggested they are willing to finance bulk sewer systems similarly to the proposed financing of the Sheppard Subway in North York.

The concern of environmental groups has now shifted to the land use and environmental impact implications of infras-

tructure improvements. The battles of the '90s, are shaping up to be about storm water management, water and sewage allocation. Provincial environmental groups are closely watching unconstrained consumption of water from aquifers, unplanned increases in sewage capacity and antiquated approaches to storm water management.

According to former Municipal Affairs Minister, John Sweeney, the water and sewer corporation will be established in early 1991. Directors will include representatives from environmental and municipal sectors.

No matter who is represented and how the corporation evolves, you can bet that at some point, Ontario's planners will find themselves in the middle.

*Dave Hardy is the Journal's columnist on the environment. He is a Principal with Hardy Stevenson & Associates, in Toronto and President of the Conservation Council of Ontario. The Council is still formulating its position with respect to the crown agency.*

#### PROFESSIONAL PRACTICE

## KING TOWNSHIP PREVENTS SEVERANCE IN OAK RIDGES MORaine

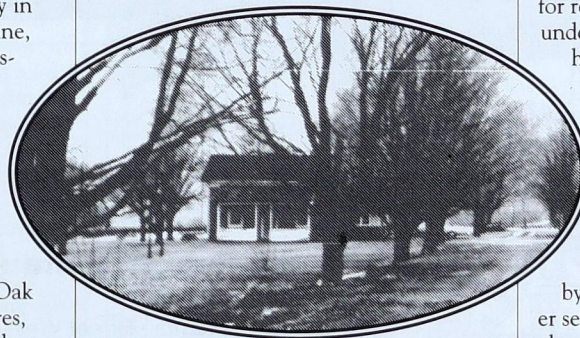
### OMB Supports Township's Policy to Preserve Rural Area

by Jonathan Kauffman

In January of this year, an OMB hearing was held regarding the appeal of a King Township landowner to sever, for residential purposes, a rural property in the Oak Ridges Moraine. In late June, the Board released its decision to dismiss the appeal, in support of the Township's policy of slow growth and controlled development to preserve the Rural Area.

The property in question was located along the boundary of King Township and the Town of Caledon, in a northwestern portion of King Township occupied by the Oak Ridges Moraine. Originally 100 acres, the 70 acre farm property had already experienced two residential severances, one a so-called "bona fide" retirement lot (the owner promptly moved out),

and the other a cedar swamp unsuitable for farming. The topography was rolling and had



some poorly drained and swampy areas. A substantial portion of the soil was class

4-6, so that the farm would not be viable for field crop production. The site, which was currently being used predominantly for residential purposes, had supported, under previous ownership, an active horse farm for a lengthy period. It was now falling into disuse as a farm, and had become somewhat overgrown.

Although located in a general area of mixed-farming (predominantly dairy, beef and hay, with some field crops), the subject property was immediately bounded by a woodlot plantation, the two earlier severances, and across the road, eleven 10-acre lots subdivided before planning controls were in place.

The current landowner was proposing to sever the 70 acre property into three

non-farm parcels, two of 20 acres to be sold, and one of 29 acres to be retained, which would require rezoning from "Rural General (RU1)" to "Residential Rural (RR)". An earlier application by the owner, to sever into two larger parcels, had been refused on the grounds that further severance might take place at a later date. The subsequent plan to sever into three parcels, under discussion here, was supported by the planning staff but turned down by the Council, resulting in the appeal.

The land use consultant for Venilde Tricoci, the proponent, argued that in lands designated "Rural", the Official Plan policies permitted "limited" non-farm residential uses, subject to a minimum size and frontage. In addition, it was claimed that the application was supported by the surrounding fragmentation introduced by the 10-acre lots across the road, as well as being compatible with the resulting residential use. Finally, it was noted that the Food Land Preservation Branch had not objected to the severance.

The proponent's agricultural consultant stated that the land had a low agricultural capability, and could not be used, on its own, in a viable field cropping operation.

The Township's planning consultant noted that two severances had already occurred on the subject property, for accepted planning reasons, and that this was how the term "limited", in the Official Plan, was meant to be interpreted. If the process were permitted to carry on indefinitely, each time using the previous severance as a justification, this would lead to further applications with no foreseeable limit, since the adjacent properties were no different from this one. Such a proliferation of residential uses would be incompatible with farming and lead to demands for a higher level of servicing, and this was not what the Official Plan had intended to accomplish with the term "limited".

The 10-acre lots across the road could not be used to justify the proposed severances. Roads were frequently planning boundaries. If uses on one side of a road

could justify the same use on the other side, as of right, it would be impossible to implement planning controls. The argument implied that there was no way of ever changing a zoning by-law, or, as it was put later on in the hearing, "Just because a mistake had occurred once, there was no reason to repeat it."

Finally, there was already an adequate supply of hobby farms in the area, if indeed they were desirable at all. Therefore, with respect to Section 50(4) of the Planning Act, the application was not in the public interest, because a cost would be imposed on the public without any corresponding benefit.

Nearby residents supported the Township's position, submitting that further subdivision was incompatible with farming use. It was confirmed that the subject property had been used in the past, and would be quite suitable in future, for horse farming. The residents also expressed concern about setting precedents for development-minded landowners to get around zoning restrictions by deliberately allowing a farm to

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deteriorate.

A representative of "Concerned Citizens of King Township", a local ratepayers organization, was concerned that the effects of the proposed severance would extend beyond the property's limits to the larger farm area, and establish a pattern of non-farm development in the rural area, which was a part of the Oak Ridges Moraine. It was further noted that the Township was in the course of preparing new policies for the Rural Area, and that the application was therefore premature. Another witness, representing the "Save the Oak Ridges Moraine" group, (STORM), submitted that the subject lands were located in an environmentally sensitive area of the Moraine and that further development would create an adverse impact on the ground water system of the Moraine.

The Board, in its decision, noted that it was clear from the evidence that the Township of King wished to continue its policy of slow growth and controlled development to preserve the Rural Area. The appeal represented a continuing fragmentation of the land, which could lead to further development by infilling. The Board found the application premature and not in the public interest, and dismissed the appeal.

Readers who recall Pierre Beeckmans' column in the March/April edition of this Journal, concerning the Atienza property in Osgoode Township, will note the very great similarity between the two appeals. Both involved the severance of non-prime farmland, in Townships which were determined to preserve their rural character - and in both cases the Board supported the position of the municipality in rejecting the request for severance.

The King Township case differs only in that the land also constituted a part of the Oak Ridges Moraine, although hard evidence was not available at the time of the hearing to advance any Moraine-related arguments. An analysis of the written decision for the Atienza appeal (OMB Files C 870587 & Z 880132), suggests a greater reliance on basic planning arguments than the Tricoci appeal, such as the Council's right to determine its own planning policy, and the incompatibility of severances on surrounding farm activities, regardless of the subject land's fertility. The Tricoci appeal (OMB Files C 890510, C 890511 & Z 890140) was argued by both sides on more technical

grounds, considering statutory planning, agriculture and land use, and there was the use of Section 50(4) (i.e. matters to be considered by the Minister regarding subdivision of land) in support of the Township's position.

While Board decisions do not constitute precedents, they can certainly contribute toward a tradition of defense. The Oak Ridges Moraine, in spite of a number of positive reports and studies, and Minister Sorbara's recent proposal, is

still only minimally protected by local zoning restrictions. Planners who are about to go before the Board to prevent severances in farming areas of the Moraine, might consider incorporating into their arguments the two different approaches described in the above decisions.

*Jonathan Kauffman is a land use and environmental planning consultant. He represented the Township of King in this hearing.*

## PLANNING

### A MORNING AT THE RAILWAY LANDS OMB HEARING

by Alan Demb

Things appeared to be going smoothly at the Ontario Municipal Board hearing on September 6th. The audience sitting on the church pew-like benches in the low, brightly lit, low ceiling room was small. The 3-member panel was seated on a low dais with legal counsel and expert witnesses ranged before them. A broad table separated the active participants from the audience. Relevant planning documents lay on the table for the perusal of the public and the media. Still, the hearing had the ambience of a small club with restricted membership, where outsiders were permitted to watch.

The hearing was an appeal launched by CN Real Estate against the City of Toronto to remove the "H" or holding designation from one precinct of the Railway Lands. Consultant Marc Hewitt was in his second day of the witness stand, explaining to solicitor Tim Bermingham how CN Real Estate had

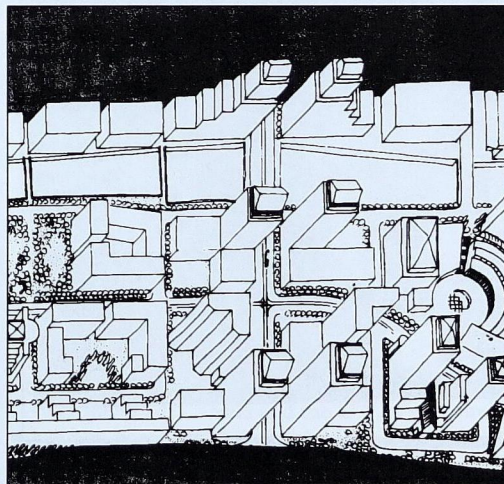
satisfied the terms of the 1985 Part 2 Official Plan for removing the "H" from Precinct 9. Precinct 9 is at the southeast corner of Spadina Avenue and Front Street, extending east to Peter Street and south of the railroad tracks close to the SkyDome.

At one point, Hewitt used a set of styrofoam blocks to show how a variety of building numbers and shapes could be located on the site to provide the permitted one million or so square feet of office space while satisfying the terms of the precinct concept plan. Once CN Realty's solicitor completed his questioning, the City of Toronto's solicitor Richard Shibley rose to question Hewitt about the concept plan. The smooth sailing was over.

Shibley created a momentary confusion by introducing into evidence the actual building proposal which CN Real Estate had recently submitted to the City for development approval. Shibley and

Hewitt began verbally sparring over whether the actual development proposal fit the conceptual plan. Several times, CN Real Estate's senior legal counselor Robert Macauley interjected to object that the specific development application was not before the Board. The Board retired, then returned to announce that the actual development proposal could be considered, but only in a conceptual way, just like the styrofoam blocks.

*Alan Demb contributes frequently to the Journal. He is the publisher of the Toronto Planning Digest.*



# G&W: PAST MEETS FUTURE (PRESENTLY...)

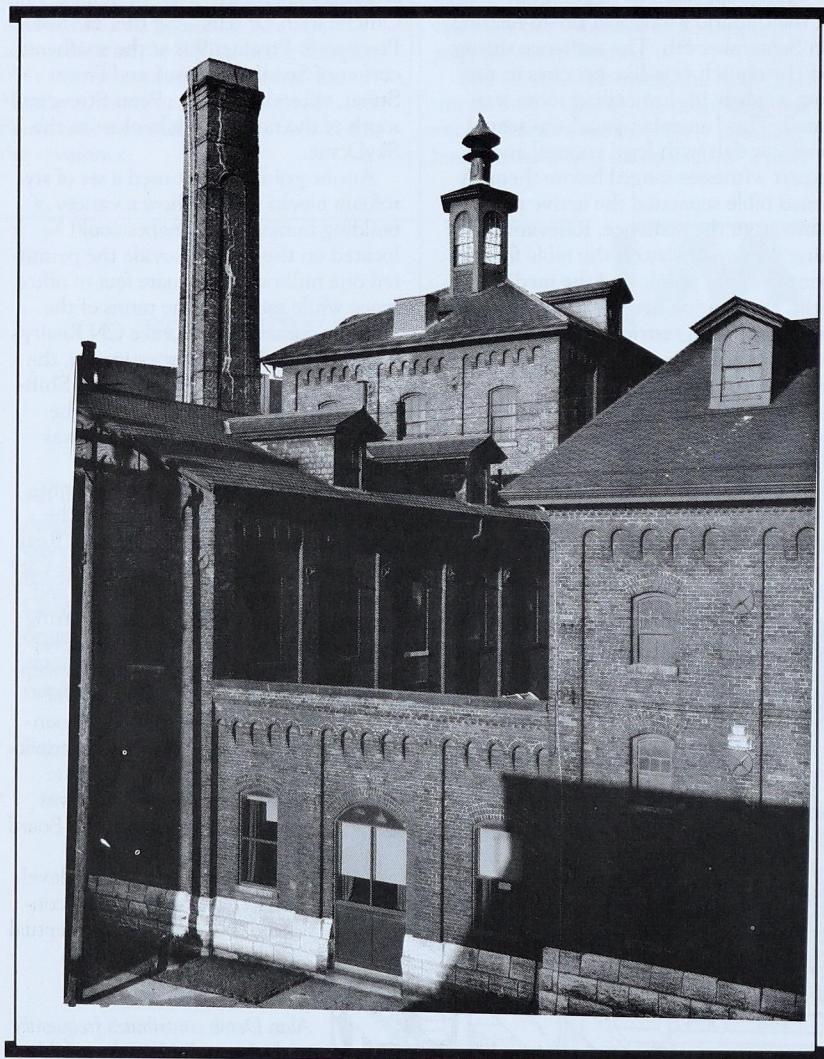
by Mark Fram

**T**he Gooderham and Worts distillery complex in Toronto is an extraordinary surviving industrial complex of the 19th century—a short walk from the centre of a city building aggressively towards the 21st.

As a self-contained district of Victorian architecture of high intrinsic value, the Gooderham and Worts complex has been a widely recognized Toronto landmark since its earliest days in the 1830s.

That it has survived to the present in the form it had in the 1880s and 1890s, in many respects intact, adds to its merit as a landmark of unparalleled importance—and increasing rarity. Few would deny its importance to the architectural and industrial heritage of the city, and indeed of the nation. It is City-designated and provincially plaqued, a National Historic Site, and a candidate for listing by the International Committee for the Conservation of Industrial Heritage, a

*Gooderham and Worts is Canada's oldest distillery.*



UNESCO agency.

Until this summer, G&W was a working distillery. Throughout the last century and a half and more, given the stable technology of distilling, it continued to produce alcohol for beverage and industrial uses, and even dabbled in organic chemistry.

But its owners (Hiram Walker Allied Vinters Ltd.) recently announced the closing of the complex, effective the end of August 1990. In the world economy, there are too many distilleries to satisfy a shrinking demand for hard liquor; the distillery's age and "inefficiency" seem to render it unsuitable to produce alcohol for other purposes on a large scale.

Also, the site sits immediately east of downtown and next to existing and planned residential neighbourhoods built on former industrial lands (St. Lawrence and Ataratiri). The city's economic growth is itself pushing at the doors of G&W, making the site's continued survival as an industrial land use very doubtful, although City policies trying to retain industrial employment.

Rendered obsolete technologically and economically, and vulnerable to both the problems of abandonment and the prospects of being overwhelmed by grand plans for downtown expansion, G&W's prospects are uncertain.

The Gooderham and Worts' distillery complex is a unique, irreplaceable resource that deserves the greatest possible efforts toward its care, conservation and respectful use. Though few would argue with this basic conclusion, its fulfillment will require a diversity of techniques and strategies equal to the variety of places and features within the site itself. Gooderham and Worts is comprehensible as a single district, certainly, but it is also a collection of varied buildings and spaces, combined into precincts, that in their turn make up the whole. Each part of the whole has importance. In any proposal to recycle and reuse the complex, the ways in which new elements relate to existing ones must be considered.

In a recent issue of *Progressive Architecture* (June 1990), the editors revisit some award-winning preservation plan-

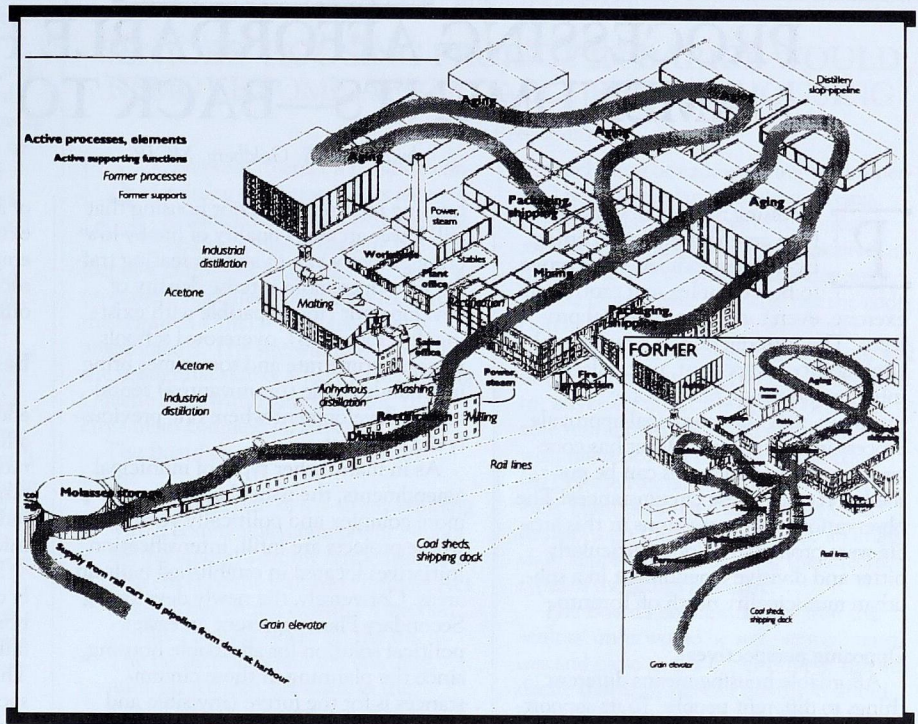


ning projects to see how well they've stood the test of time. The common ingredient for success seems to be a coherent set of implementation mechanisms, whether an area is being revitalized from economic doldrums or primed up to meet a development boom, and no matter what the intrinsic architectural and urbanistic character of its places are. G&W is a special problem, in that it looks for all the world like several small pieces of city but is really one giant lot. Though this may seem ideal because usual problems of fragmented ownership that normally face urban revitalization, the temptation to develop in large-scale chunks will almost certainly wipe out the carefully knit fabric of the historic properties.

Currently, both the site's owners and the City of Toronto are looking closely at G&W's future, with an accelerating urgency—for instance, prospects for conserving even a representative selection of the plant's hardware for museum purposes will run up against the clock this fall. G&W is the last major group of 19th-century buildings in the city that maintains almost all of its character intact, inside and out—not just its front walls.

There is no definition of positions just yet, but in the recent heritage assessment carried out for the City by a team led by Mark Fram of the consulting firm Polymath & Thaumaturge Inc. (in association with an urban design study by A.J. Diamond, Donald Schmitt and Company), the message is clear: G&W is a collection of resources of unparalleled richness in architecture and history, one that has to be conserved and woven into a fabric without destroying its essence. To do this, the City and the owners must use every tactic at hand carefully and methodically. It is Toronto's last opportunity to reclaim and recycle a major piece of its history without destroying it.

In 1869, an explosion and fire destroyed the innards of the stone distillery we see today. But the walls stood, and a year later the stills were in production again. That was G&W's only real disaster in 160 years. Here's hoping that redevelopment, when it comes, will be no such disaster. Stay tuned: the story probably will last a few years.



Mark Fram is a planner and urban designer practicing in Toronto. His book *Well-Preserved* (Boston Mills Press, 1988) has become a standard reference for architectural conservation in Canada.

Ron Sandrin-Litt (416-862-8200) is the *Journal's* editor on Urban Design matters.

Please contact Ron if you have suggestions on topics to be covered.

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# PROCESSING AFFORDABLE HOUSING AMENDMENTS—BACK TO BASICS

by Michael S. Goldberg, MCIP

**P**rocessing municipal Official Plan amendments and Zoning By-Law amendments can prove to be a complex and protracted exercise, even for uncontroversial projects. The introduction of a residential affordability component, particularly for infill amendments, has in some instances, sent the municipal approvals process into a tailspin. What has gone wrong and what measures can be pursued to remedy these circumstances? The observations and suggestions in this article were prompted by one particularly bitter and divisive amendment in a suburban municipality north of Toronto.

## Opposing perspectives

Affordable housing means different things to different people. To its supporters, it is accommodation tailored to the needs and pocketbooks of those than fortunate enough to acquire or rent the more expensive, readily available accommodation. Moreover, many professionals in the planning, housing and development fields, it represents an opportunity to provide a mix of housing in areas where the production of housing is inadequate for the 60 percent of poorest households.

To its opponents, affordable

housing represents inferior housing that will lower an area's quality of life by lowering property values and increasing traffic, introduce more intense density of development (incompatible with existing developments), overcrowd schools, increase crime rate and sometimes bring in an undesirable (or unwanted) rental tenure development where one previously did not exist.

As in many other types of municipal amendments, the issues become much more complex and politically volatile where projects are infill, intensification initiatives located in established built up areas. Conversely, the newly developing Secondary Plans represent an easier political solution for affordable housing since the planning in these circumstances is for the future (invisible and silent) residents as opposed to being next to existing (visible and outspoken) ones.

As practicing urban planners, we are confident that the infill solution will continue, is needed and represents good planning. Besides providing housing units in clear demand, the infill areas are typically central urban areas containing existing infrastructure that are key ingredients to the proper planning

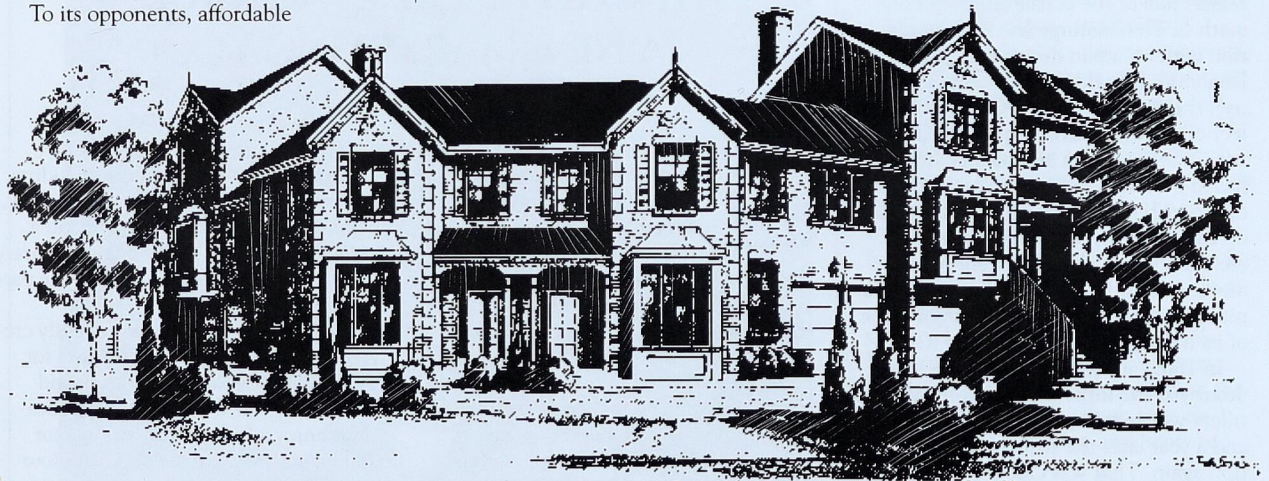
of affordable housing. These include existing public transit networks, schools, employment centres, shopping and other social service facilities including medical offices and clinics.

## Basic remedies

Active partnership is necessary to educate and counter the opponents of affordable housing. Far too often, ratepayer, politician and even staff responses to projects are passionate and judgmental before they are even informed of key facts.

Frequently, these groups are knowingly or unknowingly familiar with co-op housing or confuse it with the worst failures in Regent Park or Jane/Finch. They also have their notions regarding such planning principles as land use compatibility, traffic, open space standards, urban design and safety standards.

Therefore, as an initiator of a project and the one seeking a change in land use, density and possibly other development standards (e.g., parking), it is incumbent upon the developer to be committed to a well devised program of information dissemination and consultation with the planners, agencies/depart-



*Even attractively designed "affordable" housing can provoke vocal hostility.*

## SENIORS' HOUSING PROJECT IN BARRIE WOULD REMOVE SOME AFFORDABLE RENTAL HOUSING

by Pierre Beeckmans

ments, politicians and, particularly, the residents. Tours of comparable projects, informal meetings, disclosure of thoroughly researched and technically sound support documents and plans should all be undertaken at as preliminary a stage as possible. This way, if there is going to be a disagreement in the final analysis, it will, I hope, be based on principle and not on misinformation, inaccuracies and conjecture.

The municipality, on the other hand, has a responsibility to give an affordable housing amendment fair and balanced consideration. To this end, if information is missing, incomplete or unclear, a specific request should be made before passing judgement on it. All too often, some issues can be easily resolved but the applicant is not given the opportunity because a judgement is made in without complete information.

While the above may sound simplistic and elementary, the amendment that prompted this article was illustrative of how the process can degenerate to a bitter, divisive and staggeringly expensive (in financial and housing terms) encounter.

Finally, the province must adjust its funding deadlines realistically so that applicants are not pressed into early referrals to the Ontario Municipal Board ("use it or lose it"). This factor particularly undermines a consultative, regular, approvals process and invites an adversarial environment.

Developers should not be given the message by municipalities that a prompt appeal to the Ontario Municipal Board is the only available avenue to a reasonably timely development approval. On the other hand, municipalities should be approached in a way instills the confidence that the developer will work with them and respond to their requirements and concerns.

Therefore, a greater level of trust among all parties and confidence in the planning process will be restored.

*Michael S. Goldberg, M.C.I.P., is a Manager in the Planning and Development Consulting Group of Price Waterhouse's Real Estate Division. The Planning and Development Group is a consulting planning practice with particular focus on land development and land use planning for both public and private clients. This article will also be appearing in "Real Estate News", a newsletter published quarterly by Price Waterhouse.*

A proposal to erect a building containing 80 seniors' units above a commercial component near the centre of Barrie became the subject of a municipal board hearing when its proponent appealed council's rejection of the required Official Plan and zoning amendments. The site was mid-block on the residential side of a busy street linking Queen's Park with Dunlop Street, the city's main commercial street.

The Board pinpointed three main issues:

- The introduction of a 5-storey building with a commercial component by spot zoning among 2-storey residential uses.
- The effect of the Ontario Heritage Act designation on the existing Victorian Gothic rooming house on the lot.
- The protection of the ten dwelling units on the site, pursuant to the Rental Housing Protection Act.

The Board saw the spot rezoning as a destabilizing influence. An amendment covering the entire length of the block would have made more sense, but it was prepared to consider the proposal if the positive contribution of the seniors' housing was found to outweigh the negative aspect of a spot rezoning. The developer's intention was to limit the commercial uses to a restaurant, medical offices, a convenience store and other uses that would serve the residents of the upper floors and be compatible with them. Unfortunately, the requested C2 zoning permitted a wide range of commercial uses. The Board commented that site plan elements should be included in any approval of the project.

On the issue of architectural preservation, the Board agreed that there was no economic incentive to preserve the existing house. The City had shown no interest

in purchasing or expropriating the property. The official plan goal of preserving, where feasible, resources of historical or architectural merit was not considered an obstacle to the proposed redevelopment.

The crucial issue was whether the addition of 80 seniors' units at \$1000 per month and the removal of nine rooms and one self-contained unit would be deemed to "adversely affect the supply of affordable rental housing in the municipality", with reference to criterion 3 in section (8)1 of the Rental Housing Protection Act. The Board referred to many OMB decisions on this issue and made an analysis of supply and demand for the affected types of dwellings in Barrie.

The Board's conclusion was that the seniors' units would be sufficiently luxurious and close to the upper limit of the 6th decile that they did not qualify as affordable under the Act. The rooming house market was found to be the tightest sub-market in the Barrie area. This and because the rooming house was found to qualify as affordable housing and to have no age restriction let the Board to conclude that criterion 3 would not be met. Permission to remove residential rental property under the Rental Housing Protection Act, 1986 was refused. The zoning by-law appeal and official plan amendment referral were also decided in favour of the City.

The decision is dated June 4, 1990.

*Source: Decision of the Ontario Municipal Board; Starkman, 709641 Ontario Limited, 72 High Street; Files : M 890105, Z 900068 & O 9900068*

*Pierre Beeckmans is a Senior Analyst with the Program Services Branch of the Ministry of Municipal Affairs.*



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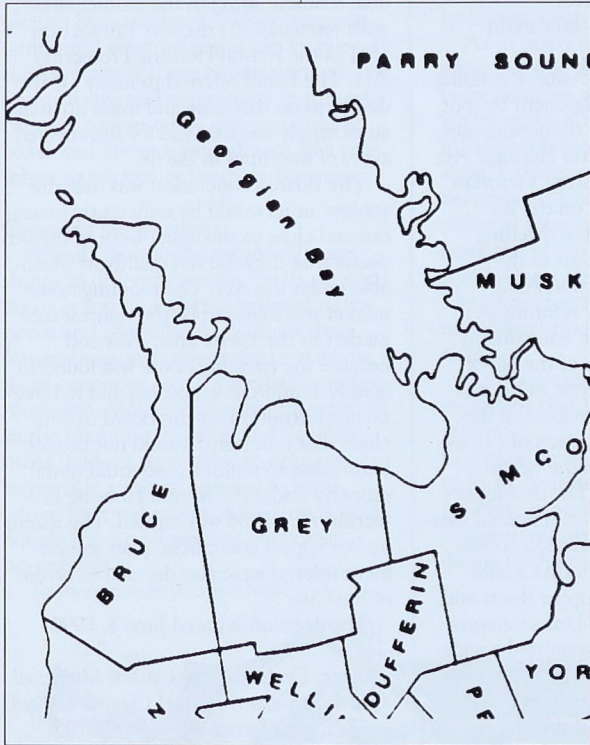


**SOUTH-  
WESTERN**

**COUNTY  
RESTRUCTURING**

The third dinner meeting of the 1989-90 schedule for the South-

western District of OPPI was held earlier this year in Chatham at the Wheels Inn. The speaker was Mr. Roger Moyer, a Municipal Advisor with the Ministry of Municipal Affairs, London Field Office. He is currently on assignment as part of a staff resource team helping the Bruce County



Restructuring Committee. The meeting was well attended by 32 members, students and interested politicians.

Mr. Moyer started the presentation with a brief history of county government from its early days, after the Baldwin Act of 1849, to the present program of county restructuring studies. He then discussed several recent reports including "Towards an Ideal County Government 1990" prepared by the Province of Ontario, setting the context for the study now underway in Bruce County. The interest in undertaking county restructuring studies is reflected in eight studies now in progress and requests from nine additional counties to undertake the studies.

County restructuring studies are encouraged as methods to deal with issues including waste management, economic development, building code enforcement and emergency planning. These issues combined with current demographic trends including an aging county population,

reduction in family size, increases in the number of commuters and fewer independent farms strains the ability of counties to work efficiently.

Bruce County has a somewhat large geographic area of 3 941 km<sup>2</sup>, an approximate length of 160 km. and a small population of 60,000 persons. It is served by 177 councillors governing 31 administrative/political units divided into sixteen townships, nine towns and six villages. These characteristics suggest the population is well represented across a large administrative area.

Mr. Moyer went on to describe the study team and approach. The intent is to have change driven from within the county organization with both administrative and political support not imposed by another jurisdiction. The study team has eight council members and three support staff provided through the Ministry of Municipal Affairs. Most of the research is being carried out by the support staff with directions, opinions and rec-

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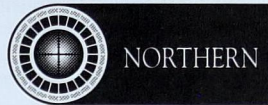
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ommendations coming from the elected officials. The study process included public opinion polls of local attitudes, opinions of municipal staff, mapping of shared services and mapping of communities of interest. The mapping of shared services included functional areas such as fire protection, waste management and building inspection. Communities of interest included elementary/secondary school catchment areas, free-of-charge telephone exchanges and social club districts.

The final segment of the presentation went on to describe several alternative county restructuring schemes that were presented at public participation meetings. The options suggested between 6-20 municipalities with the reaction ranging from total support to total opposition. Public concerns included loss of local autonomy, loss of identity, less political representation and the financial inequities of amalgamating strong and weak municipalities. The presentation ended with a lively question and

answer period discussing the merits of county restructuring. *William Pol, M.C.I.P., is a Senior Planner with the City of London, and a member of the Program Committee.*



## NORTHERN DISTRICT REPORT

by Jeff Celentano

Following the June District semi-annual meeting and program event, the summer passed somewhat quietly.

The Northern District lost the services of a valued member and District Representative recently. Bob Maddocks has been recently transferred out of the Lakehead with his job at Municipal Affairs. Best wishes from your Northern District colleagues and thanks for your hard work Bob.

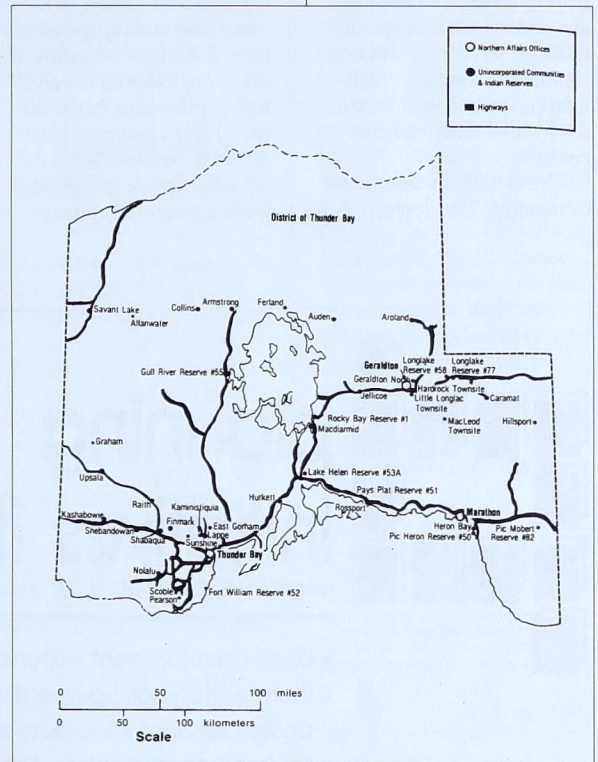
The vacancy in this OPPI Council position will be filled at the AGM in October.

## Winter Cities Forum '91—Sault Ste. Marie

The International Winter Cities Association will be sampling the hospitality of the City of Sault Ste. Marie for their annual conference on January 21-25, 1991. The Association notes that there are 500 million people in the world living north of the

45 degree latitude. Generally speaking, a "winter city" is one in which the average maximum daytime temperatures are 0°C (32°F) for approximately two months or longer, generally located above 45 degrees latitude (Pressman).

Sustainable Development is the idea that economic



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growth and development must occur with the limits set by society and the environment. The theme of Forum '91—Is Sustainable Development Possible?—is a challenging topic for winter cities which by nature tend to be resource harvesters and energy intense.

Program sub-themes will run the gamut from planning and architecture in cold climates to energy, technology and conservation. A special feature of Forum '91 will be a community showcase, highlighting initiatives in various sized winter cities and communities.

The Geraldton Sustainable Community Development Ini-

tiative: Planning for the 21st Century

- Abridged from an article by M. Rogers in the July 1990 issue of I.C.U.R.R. Liaison

Located on Highway 584, approximately 5 km. from Highway 11, Geraldton is a 14-hour drive from Toronto. Thunder Bay is 3 hours to the west, while the closest town—Longlac—is approximately 32 kilometres to the east. Gold-mining operations formed the basic economy of the town, followed closely by timber processing in the district. Mine closures led Geraldton to seek and obtain government service employers, leading to town its present

status as a district service centre. The community is now looking to a sustainable development project to encourage further economic diversity.

The Demonstration Forest is a leading component and will be located along Highway 11. It will serve as an excellent educational tool and will be an innovative tourist attraction.

A second component is identified as the Community Forest. It will provide opportunities for forestry research and forestry management techniques in a multi-use setting.

The Environmental Education and Nature Interpreta-

tion Centre, a European-styled facility, comprises the third component of the project. The facility also may be used for seminars, conferences and as a research base for community forest activities.

The final component of the Geraldton project will cause tourism and recreation development, fish and wildlife habitat enhancement, development of small, locally based forest industries with several initiatives in the arts and sciences will help in the creation of a diversified economy.

The Geraldton Sustainable Community Development Initiative can change the direction of development in the



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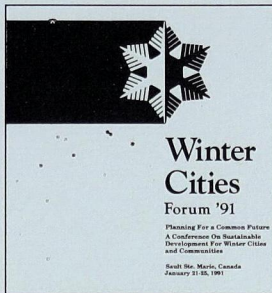
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North. It is an opportunity for planners, naturalists, foresters, and others to sit with the community and to map out an economic development strategy that will improve the natural and social value of the surrounding area.

Editor's note: For more information on the Geraldton Sustainable Community Development Initiative, please contact Malcolm Rogers, Mayor, Town of Geraldton, 424 Main St., Box 70, Geraldton, Ontario P0T 1M0.



## AFFORDABLE HOUSING

On May 23, 1990, the Central District Program Committee held a program

event entitled "Affordable Housing: Putting a Picture to Policy." The intent of the program, held at the Ontario Heritage Centre in Toronto, was to provide an insightful review of current initiatives to address the affordable housing issue in Ontario. Presentations were given by members of the development industry, architectural community and provincial government.

The forum speakers included Tom Dutton of the Daniels Group, Paul Reuber of Paul Reuber Incorporated, and Susan Corke of the Ministry of Housing. Mr. Dutton gave an overview of the development and planning of the final product—the affordable home. He cited examples of current Daniels Group projects which focus on a "Healthy Village" idea stressing medium density fabric at approximately 12 units/acre (i.e., double the current suburban density norm of about 6 units/acre).

Paul Reuber provided an animated slide presentation illustrating examples of recently developed affordable housing projects in the Metropolitan Toronto area. Mr. Reuber suggested that a vast amount of land exists within the urban area of most

Canadian cities, and can provide for affordable housing opportunities through redevelopment at appropriate densities of about 50-150 units/acre.

Susan Corke gave an informative presentation of the Ministry of Housing's experience in the implementation of the Ministry's housing policy. Additional information can be obtained by contacting these individuals through their respective offices.

## STREAMLINING THE PLANNING PROCESS

On 14 June 1990, the Central District Program Committee held a professional education session entitled "Streamlining the Planning Process: Managing What We've Got." The session, held at the Ontario Heritage Centre in Toronto, provided an overview of the current perspectives of the provincial, municipal and development interests in land development in Ontario with respect to the approvals process.

The speakers were Jane Tollefson and Linda Tennant of the Ministry of Municipal

Affairs, Jack Toppari of the Regional Municipality of Ottawa-Carleton, and Jack Winberg of the Rockport Group. In general, each spoke of the limitations of the current process, and the potential to modify the legislative and implementation components of the development process at the provincial and municipal levels to streamline processing of applications. Ms. Tollefson and Ms. Tennant summarized current provincial initiatives to revise the various approvals processes (i.e., delegation, timing, requirements). Mr. Toppari provided examples of the Region of Ottawa-Carleton's initiatives in expediting development industries concerns with the current process, and potential changes to legislation to simplify "streamlining the planning process." Additional information can be obtained through contacting these individuals at their respective offices.

### Reacting to Recycling

Many readers have enquired when the Journal will be printed on recycled paper. We have been investigating this issue for some time, having made a policy commitment to switch to recycled paper even if it costs a little more. Unfortunately, we have not yet been able to locate a reliable source of supply. If anyone can help, please let us know.

Glenn Miller, Editor



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# FIRST CLASS

### URBAN DEVELOPMENT INSTITUTE LEADS CO-OPERATIVE EFFORT

On July 19, 1990, the Urban Development Institute held a special meeting of the Commercial Interest Group (Metro Toronto Chapter), the Board of Trade of Metropolitan Toronto and the Downtown Business Council to discuss current major planning issues in Metro Toronto including

Metro's Official Plan Review, Toronto's City Plan '91, the Railway lands and transit planning (i.e., TTC, provincial). The forum was unique in that it brought together the representatives of three groups to discuss cooperative approaches to monitoring, responding to and carrying out various planning initiatives related to development issues in Metro Toronto. Additional information can be obtained through the Urban Development Institute offices at 1100 Eglinton

Avenue East, Don Mills,  
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### DINNER WITH RAY SPAXMAN

The University of Waterloo School of Urban and Regional Planning, Toronto Alumni Association is presenting a dinner with Ray Spaxman starting at 6:00 p.m. Tuesday, October 23rd, in Toronto at the new Holiday Inn on King Street West, just north of the SkyDome. Ray, the School's first "Plan-

ner in Residence", will be speaking on "The Quality of Urban Life in Toronto and Vancouver." Ray will provide both a score card and forecast on what is expected to be a very interesting topic. The dinner is open to both Alumni and other interested individuals. Dinner tickets are \$35.00.

*For more information and tickets, call: Stephen Faygas '72, 977-2555; Brian Moss, '78 229-2300; Brian Haley '82, 868-1080.*

## LETTERS

### UDI working towards common goal with environmental groups

I read with interest Barry Mitchell's article on "Environmental Planning in the 1990's" in Vol 5 No 3 of the Journal.

First I was pleased that he referred to the "relentless pressure of human activities" rather than "development" which is often viewed as the sole contributor to environmental damage. It seems that other activities such as agricultural runoff, manufacturing practices and so on are rarely mentioned by the public.

In terms of measuring "sustainability", UDI members met with Rick Findlay, Director for the Ontario Round Table on Environment and Economy and stressed that the principle of full cost accounting would be difficult to achieve with more research e.g. what are the costs of not dealing with the waste management crisis?

UDI differs with Mr Mitchell's assessment that the EA Act should be extended to private sector projects. The UDI has prepared two papers which enunciate UDI's position that the Planning Act and the EA Act must remain independent of each other and that mechanisms already exist in the Planning Act for public consultation and environmental protection. In our com-

mentary to MOE's EAPIP we stated that "the EA Act should remain applicable for public projects and those private projects related to waste management". Mr Mitchell's suggestion that the EA Act has become a kind of whipping boy is valid.

(Elsewhere in the article) Chris Winter's comment that EA hearings focus on broad policy rather than on separate projects is an idea that should be more fully explored. A new direction which we are witnessing in the GTA is that municipalities are requiring the applicant to submit studies up-front with the development proposal. The Town of Pickering, for example, has done extensive studies for the Altona Forest area prior to finalizing the land use plan.

UDI is well aware of the importance of the environment and will attempt to demonstrate to the public that developers and builders are completing extensive studies on environmental impact and mitigation measures. UDI is supportive of the partnership approach to discover means to accomplish sustainable development objectives.

If Journal readers have any questions or wish to review the papers, please contact me.

*Andrew Manahan, Research Executive Director, UDI Ontario*