Streamlining the Development and Building Approvals Process in Ontario

Good practice concepts and a guide to action

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COUNCIL OF ONTARIO

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By
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"I want you to find a bold and innovative new way to do everything exactly the same way we've been doing it for 25 years."

Acknowledgements

RESCON takes full responsibility for the content of this report.

The report was prepared with input from representatives of key industry, regulatory and professional stakeholders, and with the guidance of steering group chair Bryan Tuckey.

Steering Group

✓ Bryan Tuckey, formerly of BILD (Steering Group chair)	✓ Kristi Doyle, OAA*
✓ Clive Thurston, OGCA	✓ Prof. David Amborski, Ryerson University
✓ Aubrey LeBlanc, OBOA	✓ Richard Lyall, RESCON
✓ Ralph Kaminski, LMCBO, City of Waterloo CBO	✓ Michael de Lint, RESCON
✓ Peter Delfatti, FRAM Building Group	✓ Paul De Berardis, RESCON
✓ Bernie Ennis, PEO	

Three Focus Groups (FGs) provided valuable input in three specific areas:

FG #1 – Efficient and Transparent Regulatory Agencies

✓ Shawn Leonard, Starlane Homes	✓ Brendan Charters, Eurodale Developments
✓ Robert Baldwin, Lake Simcoe Region C.A.	✓ Marco VanderMaas, Kirkor Architects
✓ Tim Moore, project consultant	✓ Paul De Berardis, RESCON
✓ Michael de Lint, RESCON (FG chair)	

FG #2 – Comprehensive Electronic Permitting

✓ Ralph Kaminski, LMCBO, City of Waterloo CBO	✓ Phil Stewart, Pound & Stewart
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✓ Tim Moore, project consultant	✓ Hayley Berlin, Ministry of Municipal Affairs
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FG #3 – Complete Professional Submissions

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1. Letter from the President: Why We Wrote This Report

Whether you're a Millennial or at another stage of life and struggling to get on the GTA's housing ladder, it's harder than ever to buy a new home with the constrained housing supply chain in the region.

One way to help unlock the supply chain is to implement the recommendations in this report – increase transparency, speed up approval timelines, implement electronic permitting systems in municipalities and get rid of pen-and-paper applications.

The current regulatory system inhibits the ability of builders to provide the supply of new houses and condos that new-home buyers deserve to choose from. After all, there is a growing population that sees about 100,000 people coming to the GTA every year.

One statistic that you will see repeated in this document is that Toronto (representing Canada) is ranked 54th among 190 countries in the world by the World Bank regarding development approval efficiency for routine building projects (such as a simple warehouse; not an 80-storey mixed-development high-rise). If Ontario continues to fall behind on World Bank standards, this could lead potential international investors to look elsewhere.

This is low-hanging fruit for Premier Doug Ford and the new Ontario government. One of their platform planks was to cut red tape to help industry thrive – we recommend they start here.

And if they want help, here it is. RESCON and our team of experts that generously offered their time and input so this report could be produced, stand ready to help the government move forward and take the necessary steps to achieve this noble goal within the next three years, with a focus on redeployment and no job cuts.

I would like to thank everyone who contributed to this project. Among them, RESCON's director of building regulatory reform and technical standards, Michael de Lint (a consultant for the World Bank) was the lead author of the report. He worked for many months in consultation with a steering group led by respected urban planner Bryan Tuckey – the former CEO and president of BILD – and also with Tim Moore, project consultant, architect and former chief building official (please see acknowledgements for other contributors).

As chair of the Construction and Design Alliance of Ontario, I was privileged to receive the support and endorsement of the CDAO to make the streamlining initiative one of the three key CDAO strategic priorities for 2018. Many of the relevant elements are reflected in this report.

All the stakeholders involved in this report will provide expertise to Premier Ford and his cabinet in the coming years. When government and industry work together, great things can be achieved, including cutting red tape and ultimately helping people enter the housing market.

Thank you for your interest. We hope that you enjoy the report.

Richard Lyall,

President

2. Executive Summary

Ontario's development and building approval processes are much slower and less innovation friendly than that of many other advanced jurisdictions. According to a 2013 Bousfields-Altus report, site plan control approvals that should take one month often take more than nine months. A 2017 RESCON-Ryerson study found that this timeline is now more than two years for residential buildings. The World Bank currently ranks Toronto (representing Canada) at 54th among 190 countries regarding development approval efficiency for routine building projects. Approval of innovative building projects is often slower than in many other jurisdictions.

Slow and uncertain development and building approvals in the GTA, contribute to increased developer cost and risk, resulting in less new housing supply, less innovation, higher housing prices, reduced affordability and a less attractive place for firms to invest and create jobs. Particularly affected by unnecessarily long and uncertain approvals are various infill housing forms already compliant with provincial growth policies and municipal Official Plans, such as mid-rise housing along avenues and the "missing middle".

This report outlines some good practice concepts and back-to-basics reforms to improve the "machinery" for planning and building approvals. These proposed changes enhance accountability and speed up approvals for routine and innovative building projects, while maintaining high levels of regulatory compliance.

More efficiency requires significant changes. Firstly, Ontario's regulatory system needs to be more transparent regarding agency requirements and procedures which allows industry professionals to submit complete, compliant applications as "partners in compliance." Regulatory agencies can then shift to more of a process management and expert audit role. Efficient, client-centric regulatory agencies should be linked together with a state-of-the-art e-permitting system for faster communication and better overall service to industry clients.

Key recommendations are organized under the three "building blocks" for modernization. They are directed mainly at the Province but also the municipal sector, and are as follows:

BLOCK A: Efficient and Transparent Regulatory Agencies

1. Pass a Transparency Act to improve timelines, support a transparency checklist.

We recommend that the Province pass a Transparency Act amending the Planning Act, that reduces planning timelines for updating zoning to comply with a new Official Plan from three years to one year and decreases the current timeframe for updating Official Plans to the new 2017 Growth Plan from five to two years. In addition, we recommend that transition provisions that apply to development during the period between the new provincial Growth Plan and updated municipal Official plans, be clarified so that municipalities can more easily approve development, such as projects near major transit stations, that are in keeping with the general policy intent of the 2017 Growth Plan.

The Transparency Act also could amend the one-month Site Plan Control approval timelines for all projects to a more realistic range of one to three months, based on project complexity. Finally, provincial agencies and municipalities would be required to comply with the transparency checklist in this report.

2. Implement Working Group recommendations on other timelines.

We recommend that the Province implement recommendations from a working group, possibly advised by RESCON and composed of industry and regulatory agency stakeholders that will review other key planning and applicable agency approval timeframes.

3. Endorse a "client-centric agency checklist."

We recommend that the Province and municipalities endorse a client-centric checklist to help provincial regulatory agencies and municipalities provide better, faster service to permit applicants addressing matters such as effective pre-consultation, better coordination, and more delegation of authority to staff.

BLOCK B: Comprehensive Electronic Permitting System

4. Establish a common data/file platform for e-permitting.

We recommend that the Province establish a common, open-source data and file transfer platform for inter-agency file sharing, that can be used by all e-permitting providers. This would allow for the expansion of existing e-permitting systems to create a comprehensive e-permitting system connecting all relevant municipal departments and provincial approval agencies.

5. Organize an e-permitting pilot project funded in part by excess reserve funds.

Based on recommendations in its November 2017 Development Approval Roundtable Action Plan regarding potential municipal pilot opportunities, the Province, working with municipal building departments and other stakeholders, could establish a municipal pilot project to field test a comprehensive e-permitting system involving municipal departments and provincial agencies involved in development and building approvals. This pilot project could be funded in part by excess building department reserve funds of participating municipalities, with additional funding provided by the Province.

BLOCK C: Complete professional submissions

6. Require a coordinating professional, and supporting documentation.

We recommend that the Province amend the Building Code, as recommended by the Elliot Lake Inquiry and other reports, to require a coordinating design professional and supporting documentation, for projects with more than one professional (e.g., architect and engineer), and which are required to be designed by an engineer or architect. This would be done once the OAA-PEO joint committee has consulted on and completed its "Joint Practice Guideline."

7. Pilot test an expanded version of "complete professional submissions"

Municipal building officials from willing municipalities working with stakeholders, could test an expanded version of the "complete professional submissions" that goes beyond documentation verifying design coordination but also includes peer (third-party) review. This allows willing municipal building departments to transition more fully to an expert audit role with respect to professional submissions. Also, we recommend that municipal planning departments and other approval agencies adopt the "complete profession submissions" model including documentation attesting to coordination and peer review, with respect to submissions from professional engineers, architects and professional planners related to site servicing and planning.

> These recommendations should be viewed as a package of inter-related measures that enhance regulatory system efficiency. For builders, these good practice concepts should lead to faster approvals resulting from more complete professional submissions, and more efficient, client-centric approval agencies using state-of-the-art e-permitting technology. For municipalities and other regulatory bodies, these recommendations should lead to higher levels of compliance, better customer service and more effective use of staff resources in the face of high workloads and development pressures with a focus on redeployment and no job cuts.

Finally, the report identifies some potential future research topics to address artificial supply constraints, including: effectiveness of LPAT in handling appeals and potential improvements; how best to update zoning that complies with Official Plans including the use of Community Development Permits.

3. Abbreviations, Acronyms & Definitions

BAC

Building Advisory Council, which was established to advise the Minster of Municipal Affairs on matters related to the Ontario Building Code Act and the building regulatory system. BAC, which included representatives from various associations including OBOA, LMCBO, OAA, PEO and RESCON, prepared the 2012 Annual Report referred to in this document. BAC expired shortly after 2012.

BILD

Building Industry and Land Development Association, which is an association representing home builders, land developers and the professional renovation industry in the Greater Toronto Area, with about 1,500 member companies.

BIM

Building Information Modelling, a 3D model-based process used for building design and construction that allows for more efficient and effective building design and construction. BIM is particularly effective in clash analysis – avoiding conflicts among different building systems. When BIM and Geographical Information Systems (GIS) are integrated, BIM can be an effective and efficient tool for better site plan reviews along with other planning and infrastructure related plan development, review and approvals. Integrated 3D BIM and GIS is one of the critical functionalities of a comprehensive e-permitting system recommended in this report.

CA

Committee of Adjustment, which makes decisions on minor variances from the zoning bylaw.

CANCEA

Canadian Centre for Economic Analysis, which undertakes evidence-based research based on demographic and other data (based in Toronto).

CBO

Chief Building Official, which is a position identified in the Building Code Act. This person, appointed by municipal council, is responsible for issuing building permits and other functions described in the Act, including making sure that there is compliance with applicable law prior to permit issuance, and approving alternative solutions that allow for the use of innovative building technologies and designs.

CDAO

Construction and Design Alliance of Ontario, a collaborative organization of associations with mandates related to Ontario's infrastructure. Currently chaired by RESCON, other member organizations are: BILD; OAA; Residential and Civil Construction Alliance of Ontario; OGCA; OHBA; Ontario Electrical League; Consulting Engineers of Ontario; Mechanical Contractors Association of

Ontario; Ontario Sewer and Watermain Contractors Association; Ontario Road Builders Association; Ontario Society of Professional Engineers; Surety Association of Canada; Association of Registered Interior Designers of Ontario.

CMHC

Canada Mortgage and Housing Corporation, a federal crown corporation governed by a board and responsible to parliament through a Minister. It administers a mortgage insurance program and undertakes housing research.

Coordinating Professional

In this report a Coordinating Professional refers to a licensed professional designer, either a licensed architect or licensed professional engineer, to coordinate the design and field review activities of several other licensed professional architects and engineers who are involved in the design and field review of a building.

Electronic Permitting System

Electronic permitting system replaces paper-based applications for building permits and other development related approvals with online digital or electronic applications. In more advanced versions of e-permitting or "comprehensive e-permitting," all transactions are electronic or digital and all communication and transactions with other approval agencies (applicable law agencies as defined in the Building Code) is also electronic. Advanced versions also incorporate integrated 3D BIM and GIS.

EABO

Refers to Engineers Architects and Building Officials. This is an organization that addresses issues of common interest to professional engineers, architects and building officials. One of the issues tackled by EABO was design coordination for projects requiring a professional design, where there is a need to coordinate design among several design professionals. EABO addressed this matter in a letter to the Province.

Growth Plan

Under the Places to Grow Act, the province is authorized to develop regional growth plans. The most recent Growth Plan for the Greater Golden Horseshoe took effect on July 1, 2017. This plan sets the template for municipal Official Plans that are required to conform with the Growth Plan following a Municipal Comprehensive Review process. Under the Places to Grow Act, the provincial Growth Plan should be updated every 10 years. The previous Growth Plan came into effect in 2006.

OHBA

The Ontario Home Builders' Association represents the building, land development and professional renovation industry in Ontario.

LMCBO

The Large Municipalities Chief Building Officials group represents chief building officials from municipalities with a population of more than 50,000. The group addresses regulatory issues and encourages high performance and uniformity across Ontario.

LPAT

Local Planning Appeal Tribunal was established by the Local Planning Appeal Tribunal Act, 2017 and replaces the Ontario Municipal Board (OMB). LPAT is an adjudicative tribunal that hears cases in relation to a range of planning matters including official plans, zoning by-laws, subdivision plans, and site plan control by-laws. LPAT provisions and procedures are different than those under the OMB.

"Missing Middle"

This refers to housing in the middle of the density spectrum ranging from duplexes to townhouses, to multiplex to live-work buildings. This housing form was more prevalent in the pre-war years but has become much less common in post-war development – hence the term "missing middle."

OAA

Ontario Association of Architects, represents Ontario architects. The OAA is a self-regulating organization governed by the Architects Act.

OBOA

Ontario Building Officials Association was established in 1956, and represents more than 2,000 building officials across Ontario. Building officials are appointed in accordance with the Building Code Act and enforce the Building Code and other applicable law. The OBOA is involved in training, education and professional development of building officials and others.

OGCA

The Ontario General Contractors Association, represents firms responsible for 70% of all industrial, commercial and institutional construction in Ontario.

PEO

Professional Engineers Ontario, the licensing and regulating body for professional engineers in Ontario operating under the authority of the Professional Engineers Act.

"Planning Machinery"

This refers primarily to the planning approval process for more routine development applications, such as those requiring site plan control which typically includes approval from various commenting agencies or "applicable law" agencies. The term also is used in relation to the process of updating plans to align with higher order policies such as municipal Official Plans and the provincial Growth Plan. The focus of this report is primarily on ways to speed up and "lubricate" the planning machinery while still achieving high levels of compliance with planning standards.

RESCON

Residential Construction Council of Ontario, which produced this report, is Ontario's top association of residential builders committed to providing leadership and fostering innovation in the industry. It is the only association in the province exclusively focused on the needs of builders involved in high-rise, low-rise and/or mid-rise residential construction.

4. Introduction

This report highlights some good practice concepts which can streamline development and building approvals in Ontario.

It responds to concerns by developers, builders and other industry stakeholders, that the existing approval process – particularly in the GTA – for even routine development projects, is too slow. The process for approving alternative or innovative building designs and technologies is slower in Ontario than in other jurisdictions. Several reports clearly indicate that Ontario is not a leading jurisdiction in these areas and could benefit from modernization to improve regulatory efficiency.

The consequences of slow approvals are significant and include unnecessary reductions in housing supply, reduced housing affordability and economic competitiveness.

Figure 1: Tall wood innovation. One example of innovative building technology. The University of British Columbia Brock Commons mass timber building located in Vancouver is shown when it was under construction. It is now completed and – at 18 storeys – is currently the world's tallest timber building. Photo credit: KK Law / naturallywood.com

5. Key Goals, Key Outcomes

This report can help the Province, municipalities, regulatory agencies, building officials and other professional groups, implement good practices that improve regulatory efficiency and compliance. In summary, the key objectives of the report are:

1. To recommend best practice concepts and an action plan that will contribute to more timely land development approvals for routine building projects, and provide ideas for more timely approvals for innovative building technologies; and

2. To substantially improve the efficiency of Ontario's development and building regulatory system and Toronto's World Bank ranking, and make the system more innovation friendly.

The best practice concepts and action plan outlined in this report support:

- **Increased regulatory agency efficiency** arising from: increased agency transparency, more complete professional applications, comprehensive e-permitting.
- **Faster, predictable** development and building approvals for complete and compliant applications.
- **Municipal tax revenues** from buildings are collected sooner as a result of faster approvals.
- **Additional supply** through reduced regulatory delays, as fewer projects are abandoned because of reduced delays and associated costs and uncertainty.
- **More innovation,** as impediments to approving innovation in building design, materials, systems and construction are reduced.
- **More affordable housing** resulting from more supply and more innovation.
- **More job creating investment in the GTA**, as more affordable housing makes the region more competitive with other major urban centres.
- **A high level of regulatory compliance and safety,** through more complete, better documented and more compliant professional submissions.

6. Study Focus and Scope

This report focuses on those development projects that are relatively routine, are aligned with and comply with official plan provisions, don't require official plan amendments and associated public consultation, and just need to comply with the "planning machinery."

Regarding the approval of building designs, this study is focused on those permit applications that require an alternative solution to approve an innovative building technology as adoption of innovative practices has been slow in Ontario. To address this innovation deficit the project focuses on enhancing professional engagement in the compliance process through more complete and better coordinated applications. The concept of more complete applications can help to improve and streamline compliance for all types of buildings that require professional design.

Site plan control is among the more routine components of the development approval process. Given the focus of the provincial Growth Plan on increased density, intensification, infill and the "missing middle" – all typically subject to site plan control bylaws – an efficient site plan control process becomes all the more critical. We see the site plan control process which does not require consultation and should be relatively technical in nature, as a canary in the coalmine, that signals the overall health and efficiency of Ontario's development approval process.

Problems in the site plan approval process were of sufficient concern that the OAA in 2013 commissioned a report from Planning Consultants Bousfields Inc. and Altus Group. The World Bank's international ranking of development and building approval process for standard and relatively routine and benign type of building project (e.g., a warehouse for books in a suburban area zoned for warehouse type occupancies) places Toronto (representing Canada) at a mediocre 54th place and a big part of the delay can be attributed to slow site plan approval. This was confirmed in a 2017 Ryerson-RESCON report which found that site plan control approvals for projects compliant with zoning was often two years. Recently OAA commissioned Altus Group to provide updated cost-related information in a report called "Site Plan Delay Analysis," dated May 4, 2018.

Other more routine parts of the planning approval process include the updating of Official Plans to align with new provincial Growth Plans, and the subsequent updating of zoning to align with approved Official Plans. The *Planning Act* sets out timelines for updating zoning to conform with the Official Plan while the *Places to Grow Act* sets out provisions related to updating municipal Official Plans to conform with the new Growth Plan. Under the *Places to Grow Act*, the minister has the discretion to determine the timeline for municipal conformity work. The timeline for conformity to the 2017 Growth Plan is five years. Legislated timelines for updating municipal zoning are rarely followed. The report recommends shorter timeframes for both updates.

The "planning machinery" improvements in this report are targeted at more routine development that are

Brief overview of site plan control:

According to a May 4, 2018 report by Altus Group Economic Consulting, about $10.6 billion of construction value in Ontario is subject to site plan control, including $5.9 billion in residential permit value. It is a very substantial part of the building approvals process.

The rules governing site plan control are set out in Section 41 of the Planning Act, which allows municipalities to implement site plan control through Official Plan policies and site plan control by-laws. Site plan control provisions give municipalities the power to require developers to meet site plan control requirements in site plan control areas. Typically, townhouse developments, mid-rise and high-rise buildings are subject to site plan control.

Site plan control deals with technical matters such as:

- Building massing and conceptual design.
- The relationship of the proposed building, adjacent buildings, streets and exterior areas.
- Building access and building layout.
- Exterior design including building character, scale, appearance and sustainable elements.
- Grading, landscaping and parking.

The intent is to ensure that development is safe, efficient and esthetically pleasing. The Planning Act also sets out a 30-day approval time for site plan applications before a person can appeal to the LPAT.

The Planning Act gives council the authority to enact a bylaw delegating to a municipal officer, the authority to approve site plan applications.

easier to change. However, many of the suggested best practices in this report (more transparency, client-centric regulatory culture, e-permitting, more complete applications) can apply to other parts of the regulatory system, including non-routine development applications.

To some extent, any streamlining of the more routine areas of the planning process, such as site plan control, can be diluted if the broader planning process is too slow. Therefore, this report has touched on timelines for zoning updates and timelines for updating municipal Official Plans to comply with the new Growth Plan. Site plan control is linked to zoning approval which is linked to updating or crystalizing municipal Official Plans, which in turn is linked to municipal Official Plan conformity with new provincial Growth Plans.

Therefore, we have looked at this one isolated part of the provincial Growth Plan because its provisions relate directly to the purpose of this report which is streamlining the development process and these provisions set the policy framework for all that follows.

To summarize, this study focuses on the planning machinery, not planning and building standards. It looks at improving the process for complying with existing standards. Also, this study does not address the efficiency and effectiveness of the public consultation process associated with rezoning and Official Plan amendments. In this process, there is often an under-representation of views supportive or neutral to new development resulting in a "democracy deficit." However, modernizing

planning and building standards and the public consultation process are identified as areas of possible future studies.

Figure 2: Pedestrian friendly mid-rise avenues. This is an example from Copenhagen of a pedestrian-friendly and transit-oriented main street with gentle mid-rise density. In-fill development similar to this near existing established neighbourhoods is often more difficult and time-consuming to approve than it should be. Toronto has some urban arterials like this one, but too few. Successful implementation of this form of development may include intermediate density housing to facilitate the transition from mid-rise arterial buildings to low-rise existing neighbourhoods of detached housing. The transition can be facilitated with intermediate housing forms such as duplexes, townhouses, stacked townhouses, multiplex and live-work buildings, known as the "missing middle."

7. Specific Issues Addressed by the Report

Based on input from stakeholders (industry, regulatory agencies and professionals), literature and focus groups, specific issues or problem areas were identified. These issues, with more information in the appendix, are summarized below:

- **Routine planning approvals are often too slow,** including site plan, subdivision, engineering, and other applicable law agencies (e.g., Conservation Authority).

- **Chronic out dated zoning and official plans** add additional delays, uncertainty and costs, and often result in costly appeals.

- **The need for more proportionality**. This is a basic principle of risk management. For example, currently the timeframe for all site plan control (simple or complex) is one month.

- **Many agencies operate in isolation and have not adopted industry best practices resulting in missed opportunities.**

- **Not meeting mandatory timeframes, or no timeframes, no sense of urgency.** Timeframes are very important to the private sector, but regulators are often indifferent.

- **Regulatory system modernization lags behind increased demands.** The overall system has not changed enough to cope cope with increased market demands and complexity.

- **Building permit system is not "innovation friendly."** For example, Ontario is behind several other jurisdictions in approving tall mass timber buildings.

- **Regulatory agency transparency could be better.** Transparency is key to complete compliant applications, e-permitting and efficient client-centric regulators.

- **Slow uptake of comprehensive e-permitting.** Some building departments have made progress, but other municipal departments and provincial agencies lag behind.

- **Little inter-agency, inter-municipal information sharing.** Too little sharing of knowledge on technical details, interpretations and enforcement issues.

- **Industry professionals (designers, planners) under-utilized in compliance.** Professionals as "partners in compliance," can help to streamline approval processes.

Metrics for measuring inefficiency:

The metrics below on the nature and extent of inefficiencies in the current system, cover: approval times; cost of delays; impact of delays on supply, affordability and innovation. (See appendix for more detail.)

Slow planning updates:

- Very few municipalities update zoning to the new Official Plan within three years. The Planning Act requires updates within three years – which is arguably too long.
- The five-year municipal conformity timeline is lengthy. The timeline for municipalities to update their Official Plans with the 2017 Growth Plan is drawn out and will in turn delay zoning updates based on the Official Plan.
- These zoning update delays dilute the impact of process improvements for routine planning processes such as site plan approvals.

Slow development approvals:

- Residential site plan approvals take two years, based on the 2017 RESCON-Ryerson report, and nine months based on the 2013 Bousfields-Altus report. The Planning Act says it should take one month.
- The World Bank puts Toronto (representing Canada) at 54th place out of 190 countries. Site plan approval for a simple warehouse of six months is a big reason for Toronto's mediocre performance.
- Rezoning to comply with the Official Plan took as much as 3.5 years but is mandated under the Planning Act to take nine months, based on a University of Toronto study of Toronto high-rise condo rezoning applications between 2006 and 2016.

Cost of delays:

- Additional vacant land property taxes of $2,100 to $9,076 per month (one-acre) for condo projects delayed by slow site plan approvals depending on location (Altus Group, May 4, 2018).
- Delayed municipal property tax revenue increase of $22,800 to $43,900 per month for 100-unit condominium apartment building (Altus Group, May 4, 2018). A five-per-cent increase in Toronto single-detached house prices can be attributed to long, uncertain rezoning process required for 82% of applications (C.D. Howe study, May 2018),

Supply:

- New housing needed annually in the GTA is at 55,000 new homes; compare that with the 44,000 built in 2017. This supply deficit is typical, according to a BILD for Growth report from 2018.
- Every six-month delay in approvals reduces new supply by 3.7%: Fraser Institute multivariate analysis based on new supply increments, approval timeframes.
- CMHC study: weak supply response due to inefficient approval process and other supply constraints. One-per-cent price increase results in the following supply increases: Toronto, 0.5%; Calgary, 1% to 2%.

Affordability:

- Ownership costs as percentage of median income: median income: 75.1% for low-rise housing and 43.1% for condominiums in the GTA, to 48% in Canada (RBC report, June 2018).

Innovation, technology:

- Tall mass timber buildings: Quebec, two; British Columbia, two; Ontario, zero. Ontario late to tall timber buildings (two projects proposed).
- Far fewer alternative solutions approved in Ontario than British Columbia: Based on accounts from those familiar with the B.C. system.
- Under-utilization of e-permitting, which could save 44%-72% compared to paper systems. Based on Singapore's comprehensive e-permitting experience: time savings 65%; manpower reduction, 44%; printing cost savings, 72%; storage costs 54%.

8. Building Blocks of a More Efficient System

Ontario's broader development and building approval ecology, covering the roles of regulatory agencies as well as professionals and other practitioners, can be made more efficient, timely and innovative while ensuring compliance with planning, environmental, energy and safety standards.

This report recommends a fine-tuning of the regulatory system or ecology around three building blocks: more efficient and transparent regulatory agencies; more use of e-permitting; and better engaging professionals through complete professional submissions.

All regulatory agencies involved in development and building approvals should adopt a client-based "service culture," along with the latest technology (comprehensive e-permitting, integrated BIM and GIS capability) to maximize efficiency and minimize unnecessary costs and delays for industry. Transparency for all regulatory requirements and processes is critical because it not only speeds up and improves inter-agency communication, but it enables professionals and other industry practitioners to be in effect, partners in regulatory compliance. Maximizing transparency allows industry applicants to submit, complete, high quality, and compliant applications that allow them "to get it right" the first time, resulting in even more regulatory system efficiency, more innovation and more effectiveness.

This means that the role of the regulatory agency shifts more to process management, applicable law compliance (in the case of building departments), and expert risk-based technical audits that help to ensure confidence in the broader regulatory system. At the same time, regulatory agency focus moves away from what is often the current practice of reviewing, by default, and in detail, all aspects of all regulatory agency submissions.

These interconnected ideas – building blocks for a better system – will make Ontario's "regulatory machinery" more efficient.
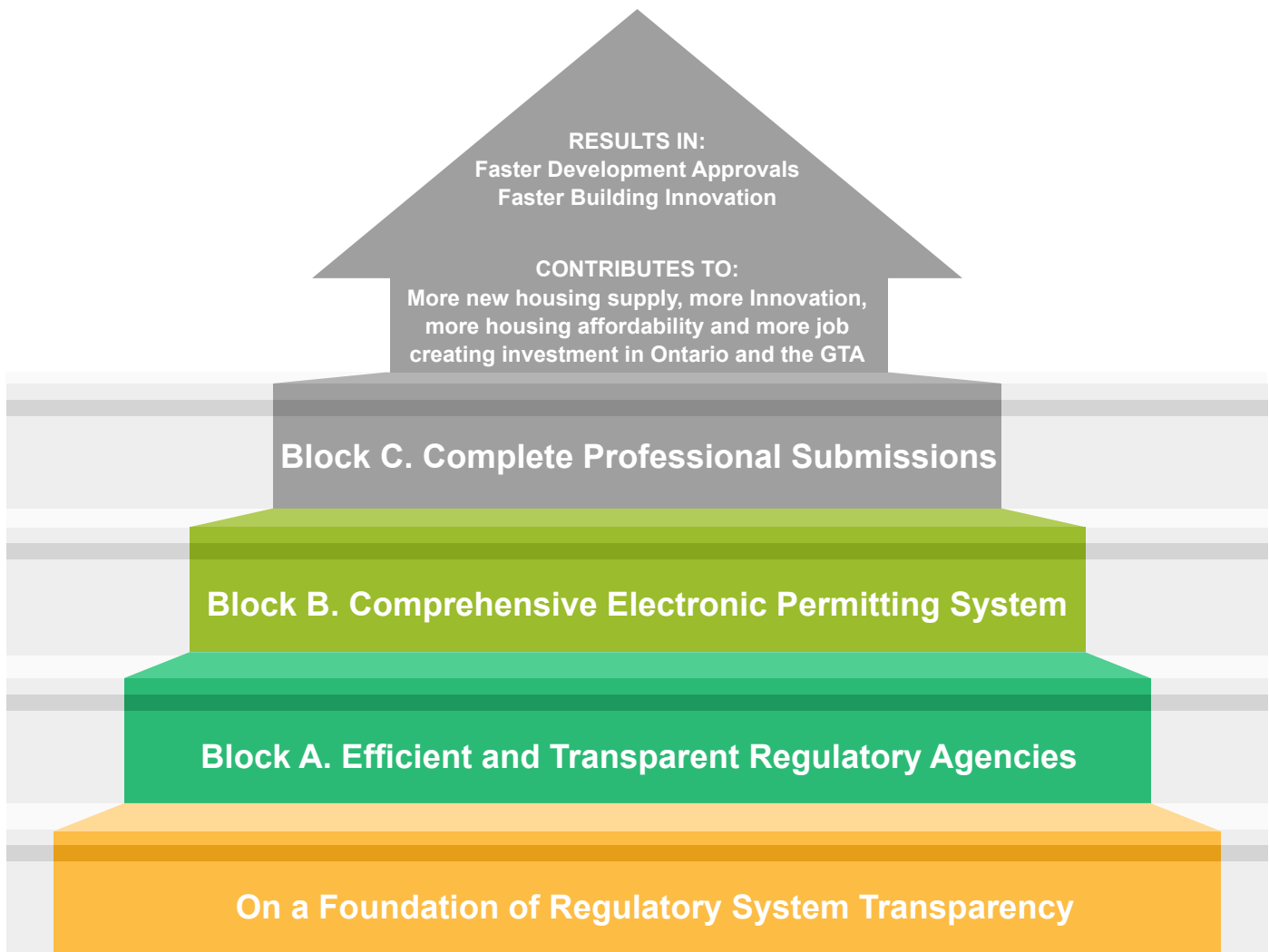
Figure 3: Building Toward Maximum Efficiency. Building Blocks of an efficient regulatory system: efficient, transparent agencies; the best comprehensive e-permitting technology; and complete professional submissions.

BLOCK A: Efficient and Transparent Regulatory Agencies

Regulatory agencies are more efficient when they are transparent with respect to requirements, procedures, etc., when they adhere to risk-based service delivery timelines, and when they can collaborate and share key information to avoid as much as possible to reinvent the wheel.

Most of the planning, development and building-related approval agencies have two main and very distinct functions:

i.   The policy and planning function which is a deliberative and creative process often requiring public consultation and the careful balancing of multiple factors and interests, including those of citizens, industry and professional associations to create clear regulations, policies, guidelines and standards.

ii. The development approvals function, which involves receiving, reviewing as necessary, and approving, as quickly as possible, compliant development and building applications, in accordance with these clearly stated policies, plans, guidelines and checklists.

This report is concerned with both functions. The policy and planning function needs to produce clear and transparent requirements, checklists and procedures that guide the second function – development and building approvals – which needs to be efficient and client-centric. The report's transparency recommendations are aimed as much at policy and planning function as the approvals process. The report also makes recommendations on how to make the development approvals process more efficient, better coordinated and more client-centric. Some specific suggested measures are outlined below.

- A checklist for client-centric regulatory agency review and approval processes that includes a transparency checklist implemented by a Transparency Act.
- A transparency checklist, including proportional, risk-based timeframes.

Transparency Act and Checklist

Transparency means being clear about all agency requirements, procedures, timeframes, etc., so that industry professionals can submit complete and high-quality applications.

It is recommended that the province introduce a "Transparency Act" that would require all provincial agencies and municipal departments involved in development and building approvals in Ontario to achieve a high level of transparency as outlined in a transparency checklist that would include:

- Readily accessible, plainly worded guidelines.
- Completeness requirements including minimum content of drawings.
- Staff contact lists.
- Online, high resolution digitized maps, practical examples, decision-making criteria.
- Review timeframes, performance metrics.

See appendix for more details.

Review timeframes, and agency reporting on performance

Meaningful review timeframes and regular agency reporting on timeframe compliance, are an important part of regulatory transparency.

Review timeframes provide greater certainty and reduce risk to industry. Better applications and better interagency communication resulting from greater transparency will contribute to more compliance and faster approvals.

Slow and inefficient processes within planning and other agencies (prior to reviews of technical plans by building departments) present the greatest challenge to faster development approvals for industry. The prescribed building permit review timeframes have limited impact for industry given that many earlier development approvals don't have timeframes – or, if they do, there is often no compliance or recourse with the timeframes.

Reasons for poor compliance with legislated timeframes include: insufficient resources; departmental silos; communication issues; interdepartmental and inter-agency coordination issues; incomplete and non-compliant submissions; lack of effective pre-consultation; outdated zoning; ineffective fee structures; not enough delegation to staff to manage routine approvals; and lack of accountability.

Suggested timeframes for some of the most problematic planning updates and agency approvals timeframes are outlined below. The suggested timeframes below focus on three critical areas: a) speeding up the updating of Official Plans to comply with new provincial Growth Plans in accordance with the Municipal Comprehensive Review (MCR) process; b) speeding up the process for updating zoning to conform with the Official Plan; and c) introducing more realistic timeframes for site plan control.

The revised timeframes for planning updates are based on an effort to provide substantial reductions in the timeframe for updating planning documents while providing what should be sufficient time to update planning documents under a new planning regime where professional submissions from industry are more complete and more compliant with requirements, transparency is enhanced and regulatory agencies are more client-centric. Similarly, the proposed timelines for site plan control are based on existing timeframes combined with expert opinion on what would constitute a reasonable range of timeframes for simple and more complex applications. The timeframes also consider improved system efficiencies arising from streamlining reforms recommended in this report, including more complete and compliant professional submissions, and greater use of electronic permitting.

Update or approval procedure	Current Timeframe	Proposed Timeframe
Municipal Official Plan updates to conform with the 2017 Provincial Growth Plan	Five years after new Growth Plan	Proposed update time: two years. Five years is too long for updating Municipal Official Plans in accordance with the 2017 Provincial Growth Plan, in accordance with the MCR process. When you consider the three-year process for updating zoning to the Official Plan, then the total timeframe for bringing zoning into alignment with the growth plan is five plus three years (eight years total). This change may require amendments to the *Planning Act* and the *Places to Grow Act*. Even these lengthy timeframes are not complied with.

Municipal Zoning updates to conform with new Official Plan (OP) **26(9) of the Planning Act**	Three years after new OP	Proposed update time: one year. Three years is too long – OP and zoning should be a coherent package shortly after new OP has crystalized. Under LPAT there is no "global appeal" of an OP. Therefore, zoning can be updated more quickly to conform with a new OP but municipalities complain about insufficient resources. Outside planning consultants can help. "Community Permits" may be a better option than traditional zoning as noted below.
Site Plan Control **41(12) of the Planning Act**	One month	Proposed review times: Completeness review: two days Compliance review (approval or all reasons for refusal) as follows. Complex buildings/developments: three months; medium complexity: two months; simple: one month. For example, complex buildings would include high-rise condominiums, shopping centres, etc.

Most importantly there must be compliance with these timelines. This can be better accomplished through greater transparency leading to greater accountability. The proposed "transparency checklist" calls for reporting by regulatory agencies on compliance with prescribed timelines.

We recognize that there will be challenges for municipalities in meeting shorter timeframes for aligning municipal Official Plans with the new Growth Plan, but development should not stop as a new Official Plan is being developed.

The 2017 Growth Plan: transition issues

In addition to updating timeframes for updating Official Plans, which we be suggest being substantially reduced, we need to look more closely at the 2017 Growth Plan transition provisions.

While the *Planning Act* requires conformity with the 2017 Growth Plan subject to the exceptions outlined in transition guidelines, these exceptions as they apply to Major Transit Station Areas (MTSAs) are not very clear.

It is therefore recommended that the transition guidelines be further amended and enhanced in consultation with the municipalities, to provide more clarity for developers who want to submit successful applications for development projects in major transit station areas during the transition period between the July 1, 2017 effective date of the 2017 Growth Plan, and the in-effect date of new municipal Official Plans conforming to the new Growth Plan (see discussion in Appendix: "The Problem of Slow Planning Updates."

Community Planning Permits (CPP)

When municipalities update zoning within a shorter timeframe as recommended, they should consider using Community Planning Permits (CPP, previously called Development Permits), which incorporate site plan control and provide a more flexible and potentially faster alternative to the traditional and more rigid zoning.

CPP as an alternative to traditional zoning:

A CPP bylaw should be considered, in at least some areas, as an alternative to updating zoning to the Official Plan. In general, the CPP system combines three planning processes into one: zoning, minor variances and site plan control. They are combined into one alternative development approvals process that provides a more transparent picture of the planned character and form of development in an area establishing a complete land use and urban vision upfront.

The CPP system is implemented through Official Plan policies and CPP bylaws that establish a CPP in a specific geographic area to replace zoning. CPP provides a more streamlined and efficient way to obtain planning approvals, expedite development and provide greater certainty in achieving urban land use, urban design, streetscape and other planning objectives, subject to clear criteria. The CPP overcomes some inherent rigidity and conservatism of traditional zoning by providing discretion on matters such as land use and building height. Approval can be delegated to staff. Review timelines are 45 days compared to 120 for rezoning.

To the extent there are any flaws with the current CPP system, the current system should be improved while retaining the basic idea.
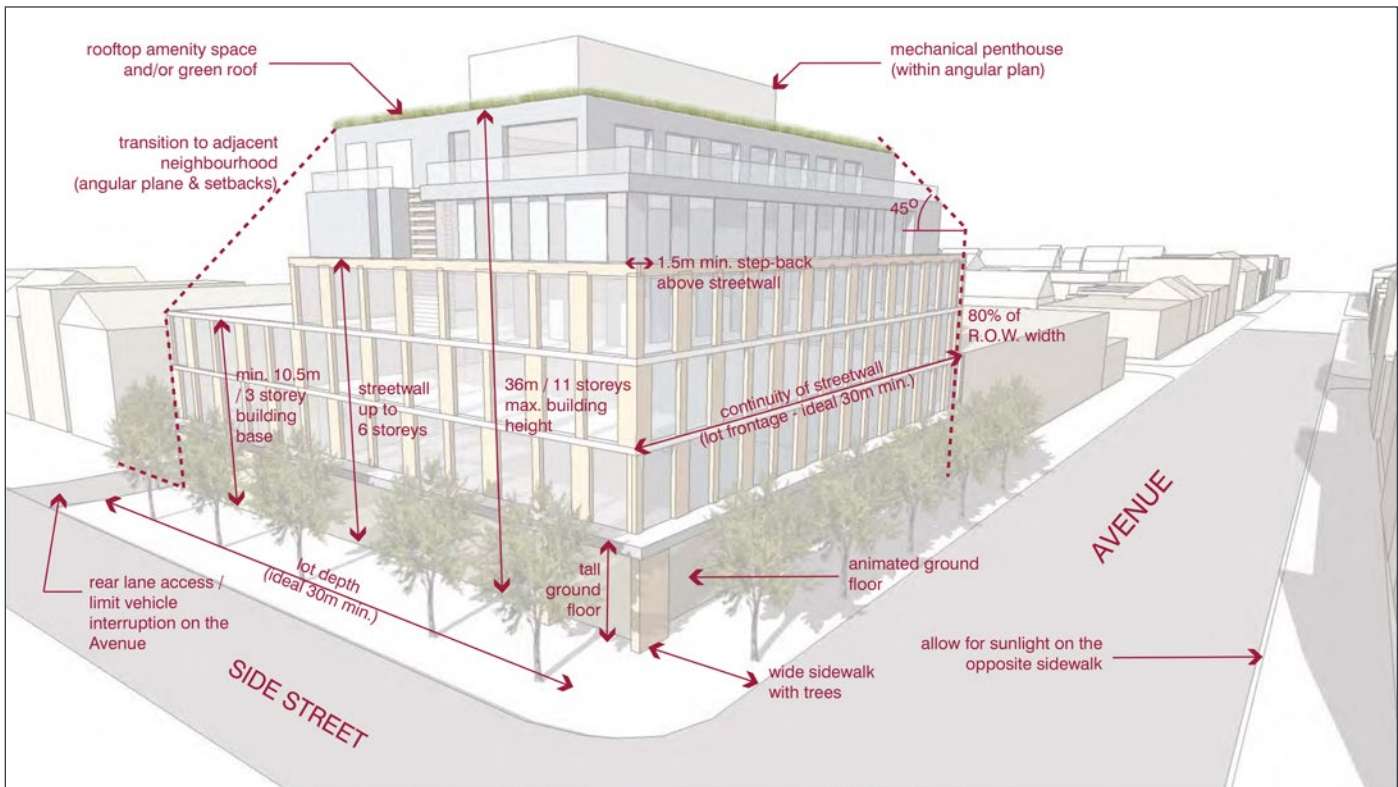

Figure 4: Toronto mid-rise performance standards. Faster planning updates and more flexible CPP can help facilitate more timely planning approvals and increased supply of mid-rise buildings in accordance with the Growth Plan, the Official Plan and supporting documents, such as the 2010 "Avenues and Midrise Study."

Follow-up project to look at other planning and applicable law agency timeframes

There are many other review timeframes associated with the various "applicable law" agencies that need to be evaluated and modernized, or timeframes that need to be introduced where none currently exist. Suggested timeframes need to be proportional to risk and complexity. But this is a very large task and is therefore included as a follow-up project.

Checklist for client-centric regulatory agency reviews and approval processes

The client-centric regulatory agency checklist would incorporate the transparency checklist, and would focus more on regulatory agency operations, and corporate culture, in order to guide the transition toward a more client-oriented regulatory model.

Details of the "Client-Centric checklist" are included in the Appendix. Key topics include:

- The right information at the right time.
- The need for complete applications.
- Different expectations for complete and incomplete submissions.
- Informal meetings before pre-consultation.
- Pre-consultation meeting attended by experts and decision-makers.
- Preparation for pre-consultation meeting.
- Feedback from pre-consultation – concisely documented by both parties.
- Delineate separate "development control" function with different "corporate culture."
- Senior Development Approvals Coordinator to resolve conflicts.
- Delegate more routine approvals to senior staff.
- Consider the impact of re-submission fees.

The transparency checklist described above would become a discrete part of the broader client-centric regulatory agency checklist.

Inter-municipal co-operation: standard details, enforcement

There are opportunities for much more inter-municipal cooperation in relation to the use of standard technical details, and in sharing information on good enforcement practices, explanations or interpretations of regulatory provisions.

For example, regarding standard technical details, larger builders operating in several municipalities often have a range of house model designs with the same design used in several municipalities that differ only in the site-specific details. Similarly, site servicing consultants prepare standard details used in projects in several municipalities. Opportunities for faster approvals and less duplication exist where standard designs have already been reviewed, accepted and shown to work in other municipalities. With respect to building permits, the fast tracking of model designs approved in other municipalities, is enabled by Section 6 ("Agreement re review of plans") in the Building Code Act. This provision could be utilized to a much greater extent to improve routine approval timelines. Chief

building officials produced standard details for certain residential projects more than 20 years ago.

A similar concept could be extended to other areas: standard engineering details for site servicing; bird-friendly fenestration and landscaping features; and other more technical elements of development and planning approvals.

OBOA's Build Right

In regard to supporting more uniform enforcement and regulatory interpretations, information sharing on good enforcement practices should be expanded. Web-based information can be a key contributor to the dissemination of information on best enforcement/compliance practices. The Ontario Building Officials Association (OBOA) have been working in this area and their service ("Build Right") could be the basis for an expanded technical and enforcement best practice clearinghouse, with industry input.

Providing industry and regulatory authority staff with ready access to technical information compiled from many municipalities and agencies can speed up compliance and innovation. This technical information would include: standard drawing details; enforcement and compliance best practices; approved alternative solutions.

Figure 5: Builders often use standard model designs in several municipalities. A standard model design approved in one municipality should be approved much more quickly in another municipality subject only to review of site specific issues and applicable law. This requires better cooperation and communication among municipalities. E-permitting networks can help. Illustration credit: Starlane Homes.

Transition Issues

The recommendations in this report related to improving regulatory agency efficiency, the expanded use of e-permitting, and shifting agencies to more of an audit role may result in a redeployment of staff. It is strongly recommended that regulatory agencies do not lay off staff but rather redeploy staff in other areas as described in the appendix note on transition issues related to regulatory agency modernization.

BLOCK B: Comprehensive Electronic Permitting System

Some municipalities have already made significant progress in transitioning toward an e-permitting system (see appendix). While these systems represent a significant step forward, there is still room for improvement as many municipalities themselves would acknowledge. These e-permitting systems are sometimes not well connected with other municipal departments, and generally have no linkage at all with external applicable law agencies. This reduces their potential for overall process improvement for clients.

Need for inter-agency information sharing standard

A comprehensive provincial effort to implement a common open-source file sharing and data platform could substantially improve public sector business processes by providing faster service for applicants while improving regulatory agency efficiency. This could build on Ontario's recently introduced Bill 154, ("An Act to cut unnecessary red tape by enacting a new Act and making various amendments and repeals"), which gives businesses submitting documents to a government Ministry, the option to submit those documents electronically. It is important that the comprehensive e-permitting system be "open-source" rather than proprietary and it needs to rely on common standards for data and file sharing so that all vendors complying with the standards can provide the e-permitting service.

Figure 6: Large potential savings from comprehensive e-permitting. Singapore's e-permitting experience resulted in big savings: time, 65%; manpower, 44%; printing cost, 72%; storage costs, 54%.

Other jurisdictions have achieved success through broader digitization initiatives led by the central government, including Finland and Singapore.

Functionalities for an "end-state" comprehensive e-permitting system

Based on input from industry and regulators, the system needs certain functionalities to be truly effective. The ultimate design of a comprehensive e-permitting system, which may be implemented in several stages if necessary, will also depend on input from municipalities and regulatory agencies before and during the planned provincial pilot project process.

One key pre-condition for an effective, state-of-the-art, e-permitting system is end-to-end web-based transparency, so that all key information for a complete and compliant application can be found online and accessible by the applicant and reviewing authority.

Key system functionalities and attributes for the "target" – an "end-state" or "state-of-the-art" comprehensive open source e-permitting system, are outlined in the textbox below

Key functionalities of an "end-state" comprehensive e-permitting system:

i) Application submission and review component (planning and building):

Key foundational features/attributes:

- The open-source system covers key development (land use) and building applications, including: official plan amendment, zoning, subdivision control, site plan control, committee of adjustment, building permit.

- System supports online pre-consultations so applicants can easily assess project feasibility online prior to formal application (the system should also allow for easy post-consultation follow-up). This online pre-consultation is prior to person-to-person pre-consultation sessions addressed elsewhere in the report.

- System will validate consistency and conformity with provincial planning policies, such as the provincial Growth Plan for the Greater Golden Horseshoe, provincial planning policy statements, etc.

- Enabled for integrated 3D BIM and GIS submissions, for all or most permit applications to enable higher quality submissions and more efficient plans review by regulatory agencies in both building and planning areas.

- Automated code checking for all or some Building Code components – this helps designers submit compliant designs and reviewers check for compliance.

- A common application front-end, used by municipalities in a multi-municipality e-permitting network, would cover key generic information required by municipal and "applicable law" agencies (property location, building type, etc.).

- Common information sharing platform linking municipal departments and external ("applicable law") agencies providing seamless communication and information sharing on a common platform (see Appendix for a list of potential applicable law agencies).

- Allows for concurrent distribution and review by regulatory authorities so that applications can be reviewed simultaneously rather than in sequence. Agencies would have mark-up capability with assurance of version control.

- Facilitates joint service delivery among municipalities and agencies, including mutual recognition of approvals of standard technical details by other municipalities and agencies within the comprehensive e-permitting network as per protocols arranged by the agencies.

- Seamless link between cloud-based and legacy elements – cloud-based elements of a comprehensive e-permitting system are linked seamlessly into existing legacy systems currently operated by regulatory agencies.

- System will provide the latest updates to policies and regulations helping to ensure that development proposals comply with current requirements.

Other features / attributes:

- Easy application tracking by industry applicants so that applicants know which persons are working on a file for enhanced accountability and transparency.

- Applicants view agency comments via automatic notifications, in real time and work on them, as appropriate, rather than waiting for all agency comments.

- Applicant document access to not only most current but earlier versions, it is important for applicants to also have access to previous versions of documents.

- Reporting on performance meta indicators including statistics indicating agency compliance levels with mandated timeframes. Could also cover meta data on industry resubmission timeframes.

- Person-to-person contact enhanced. On complex matters applicants often need to talk with regulatory staff. The comprehensive e-permitting system should be designed to retain key staff to engage with applicants on complex matters. The system should also provide a direct channel to key agencies (e.g., planning).

ii) Construction component (building):

- Using latest technology, including drones, to aid site review, inspections. Hand-held or drone-based video recording of as-built construction details, to facilitate professional field review, peer review and regulatory agency inspections, and to help subcontractors with installation details and to reconcile as-built with approved 3D BIM-based plans and drawings.
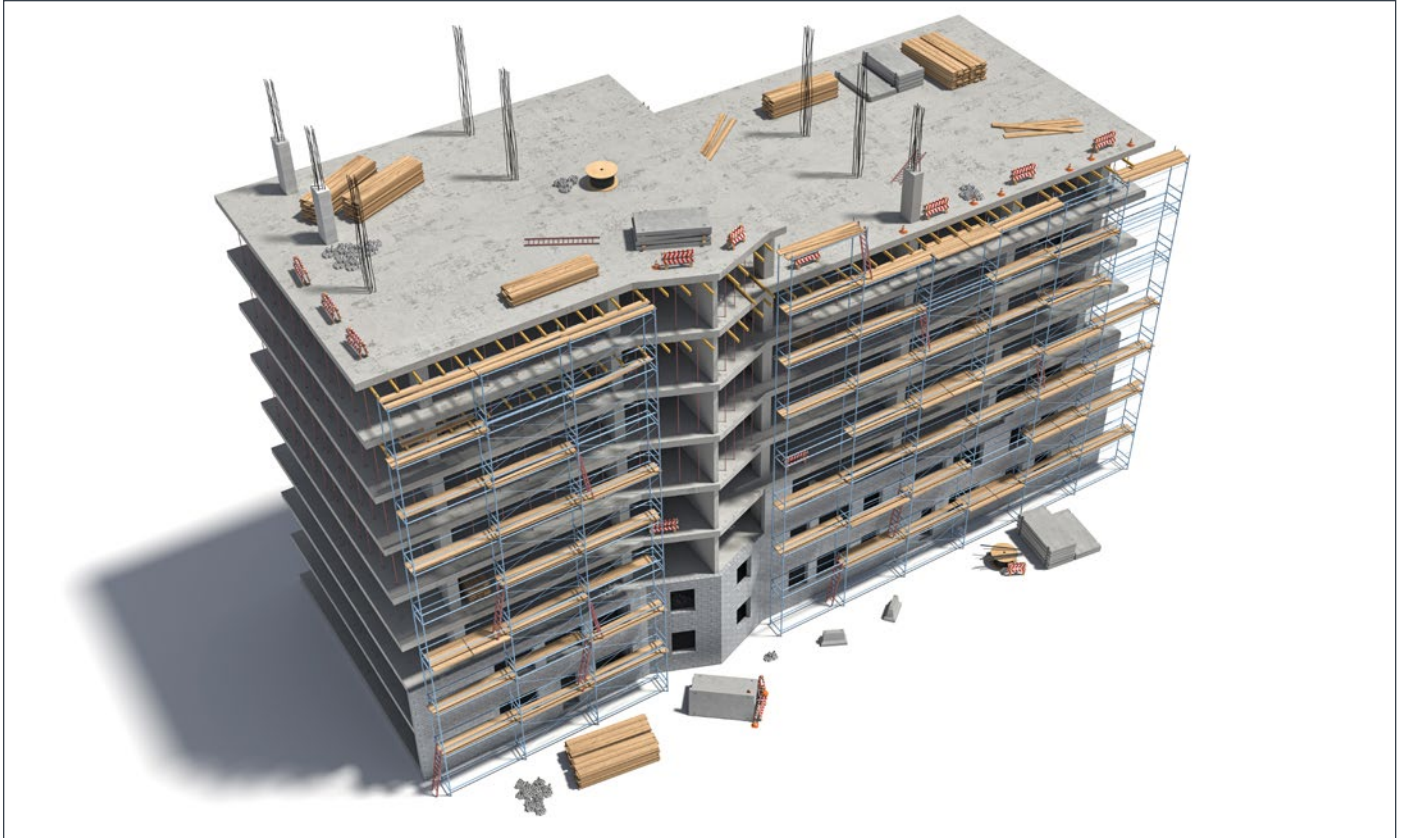
Figure 7. Use of 3D BIM (Building Information Modelling) can improve compliance and efficiency. A state-of-the-art comprehensive e-permitting system would be enabled for integrated 3D BIM and GIS submissions. Many large design firms in the GTA are already making extensive use of 3D BIM.

The last item on this list, the construction component, is outside the scope of this study. However, a robust construction review component utilizing the latest "e-permitting" based technology can provide assurance that approved plans are properly implemented, therefore in that sense a robust construction control regime is an important part of a more streamlined approval process through comprehensive e-permitting.

Provincial Roundtable working group on municipal e-permitting pilot projects

The intent of this report is to outline a comprehensive e-permitting system that achieves substantial efficiency improvements while supporting the other streamlining measures outlined in this report. These suggested improvements can collectively help bring Toronto (representing Canada) from 54th in World Bank rankings to the top 10.

In November 2017, the Province released its "Development Approval Roundtable Action Plan," which recommended establishing a task force to assess the feasibility of an e-permitting system for municipal and provincial land use and development approvals, as detailed below.

Based on the above Action Plan, the Province, working with municipalities and other stakeholders, could establish a municipal pilot project to field test a comprehensive e-permitting system connecting municipal departments and provincial agencies involved in development and building approvals. This e-permitting pilot could be funded by excess building department reserve funds and, given the importance of connecting key provincial agencies, by the Province. Municipal building departments collect reserve funds to cover fluctuations in building activity. In some cases, these funds exceed amounts that could reasonably be considered necessary for this purpose.

Implementing a comprehensive e-permitting system

A comprehensive e-permitting system described above, could be implemented in stages, in accordance with a roll-out plan tailored for the municipalities.

Potential stages in a roll-out plan are outlined in a four-level scheme based on a soon to be published report by the Civil Engineering Department at the University of Toronto. Most Ontario municipalities are currently at level 0, and some are at level 1 and some are at level 2 in that they can receive 3D BIM plans even if they are not reviewed in 3D. None are currently at level 3. Many larger professional design firms are at level 2 in terms of their use of BIM technology, and some planning consultants are operating at level 3.

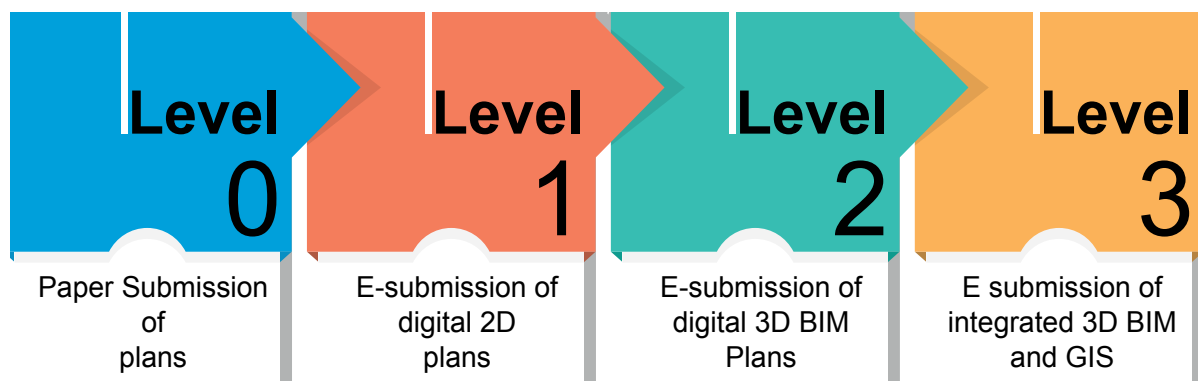| Level 0	Level 1	Level 2	Level 3
Paper Submission of plans	E-submission of digital 2D plans	E-submission of digital 3D BIM Plans	E submission of integrated 3D BIM and GIS

Figure 8. Potential E-Permitting levels and implementation stages

See Shahi, McCabe, Shahi, "A Framework for Automated Model-based e-permitting system for Municipal Jurisdictions," Civil Engineering Department, University of Toronto, 2018

While it is not within the scope of this report to outline the phasing in of a comprehensive e-permitting system, it is worth noting different strategies.

One approach would be through one great leap forward, via an ambitious provincially supported effort. Another approach is an incremental staged approach based perhaps on all or some of the stages outlined above.

BLOCK C: Complete Professional Submissions

A key to streamlining approvals is for regulators to have confidence that applications are supported by complete, coordinated plans compliant with the Building Code and other pertinent regulations. This is especially important in applications involving innovative building designs, systems and materials, such as tall mass timber buildings, but the streamlining and safety benefits of better more complete and better coordinated designs apply to all applications involving multiple design professionals.

OAA-PEO to develop "Joint Practice Guideline" responding to Elliot Lake Inquiry

To reduce the likelihood of faulty design and building failure, and as a result of recommendations arising out of the Elliot Lake Inquiry and various other reports, PEO and the OAA have established a joint subcommittee for the purpose of developing a "Joint Practice Guideline" setting out provisions for *coordinating professionals.* In general, the role of the coordinating professional is to coordinate the overall design, permit submissions, related documentation and field review for buildings designed by two or more licensed architects or engineers. The requirement for a coordinating professional would only apply to buildings that require professional design, and would not apply to buildings under Part 9 of the Building Code (which applies to Small Buildings). This helps to ensure that the overall building design is coherent and that there are no conflicts or clashes among the designs prepared by different professionals involved in the building project, such as the architect, and the structural, fire and mechanical engineer

Figure 9. Enhanced completeness, compliance through professional coordination. This can also improve overall efficiency by allowing regulatory agencies to shift to more of a process management, applicable law review and expert auditing role.

Applications that are filed with additional documentation from a coordinating professional will enable building officials to focus less on detailed design reviews and more on applicable law compliance verification, process management and expert technical audits.

The mandate for the OAA-PEO joint subcommittee includes a review of the role of coordinating professionals in other jurisdictions such as Alberta and British Columbia, which rely on enhanced documentation through "letters of assurance" (see appendix note). It is expected that a draft of the joint practice guideline will be circulated to stakeholders for their input before being finalized.

Previous Ontario reports recommending mandatory professional design coordination:

British Columbia introduced design coordination for professionally designed buildings supported by enhanced documentation called "letters of assurance" which have been included as schedules in the British Columbia Building Code since December 1992. Alberta also requires a design coordinator for professionally designed buildings.

The model National Building Code of Canada, the document used as the basis for many provincial building codes, includes administrative provisions for design coordination specifically in the case of projects involving alternative solutions (mNBC provisions have no effect unless adopted in Provincial Codes).

In addition, several Ontario reports have also over the years also recommended design coordination to the Ontario Government:

- 2009 letter from the EABO (Engineers Architects and Building Officials): This letter to the Buildings Branch,at the Ministry of Municipal Affairs, dated March 18, 2019, recommended Building Code amendments requiring appointment of a coordinating consultant …"EABO recommends that provisions in the Architect's Act, the Professional Engineer's Act, the Building Code Act and the building code incorporate requirements for the appointment of a coordinating consultant where professional design is currently mandated by those regulations. The professional acts should clearly set out the standards of practice for this function. This action will reduce risks which presently exist due to gaps in professional design services and will support the government's energy performance strategy. In addition, implementing this recommendation will streamline the processing of building permit applications, and foster more consistency in document acceptance, since municipalities will be able to rely to a greater extent on the coordination of professional design and resulting construction elements."

- 2012 Building Advisory Council (BAC) Annual Report to the Minister ("Innovation Report"): The last BAC Annual Report to the Minister recommended: "the implementation of a mandatory co-ordinating professional is necessary to bridge gaps in professional oversight of building design and construction, and to improve compliance in complex areas such as energy efficiency design. This requirement has been introduced for selected parts of building design in other jurisdictions. More comprehensive regulatory requirements for professional coordination and oversight will foster greater municipal confidence and reliance on professionally designed alternative solutions. The National Building Code has recognized this and includes provisions that a single person be engaged to coordinate and document the different aspects of a design solution involving more than one designer." BAC was appointed by the Ministry to advise the Minister on building regulatory issues and included representatives from the design, building and regulatory communities including the OAA, PEO, RESCON and BILD.

- 2014 Elliot Lake Inquiry Report: This report on the collapse of the Argo Mall in Elliot Lake on June 23, 2012, recommended that "for the construction of any buildings requiring the services of more than one professional consultant, either a professional engineer or architect, should be designated by the owner or the owner's agent as the prime consultant to perform roles and responsibilities of that position as defined by one or the other or both of the Professional Engineers of Ontario (PEO) and the Ontario Association of Architect (OAA)."

Implementation coordinating professional requires OBC amendment

Implementation of a requirement for a coordinating professional will require the Ministry of Municipal Affairs to amend the Building Code to require a coordinating licensed professional for all or a subset of permit applications that require professional design by more than one professional. The details of the final building code provisions and the professional performance standard will be crucial to approval streamlining.

This initiative provides an opportunity to not only enhance building safety and regulatory compliance but to substantially streamline the building permit approval process through more complete applications. Including documentation verifying design coordination adds substantially to the completeness of building permit applications for projects involving multiple licensed professionals.

Complete professional submission includes peer review for complex projects

For greater completeness, applications also can verify that critical building elements have been peer reviewed by qualified professionals.

Particularly for larger buildings, municipalities often rely on in-house staff to undertake "third-party review" of the technical drawings prepared by design professionals – especially for fire safety, structural, building envelope components. Some municipalities outsource this review function to their own approved peer review consultants.

Applying the "complete professional submission" idea to planning, site servicing

Many of the ideas outlined here regarding complete professional submissions to building departments (complete in relation to a building code compliance) could be extended to applications submitted to planning and other applicable law agencies, including planning and site servicing engineering applications. This would help speed up compliance with the requirements of planning, applicable law agencies and help to shift these regulatory agency operations to a more efficient "expert audit" model.

Municipalities focus more on applicable law, process management and expert audits

Since these functions, design coordination and peer review for critical building components need to happen anyway, it is more efficient if the professional design team's complete submission includes documentation assuring that this has already been done. Therefore, a simple way to improve compliance and reduce perceived red tape is for the design professional team to submit a complete application package providing a high level of assurance that building design and construction (through proper field review) will be code compliant. Then the municipal building department can focus on process management, applicable law compliance and expert audits as necessary.

Recommendations
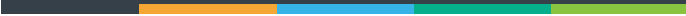
9. Recommendations

Block A: Efficient and Transparent Regulatory Agencies

1. **Pass a Transparency Act to improve timelines, support a transparency checklist.**

Timelines: The province should pass a Transparency Act amending the Planning Act, that reduces planning update timelines for updating zoning to comply with a new Official Plan from three years to one year, and reduces the current timeframe for updating Official Plans to the new 2017 Growth Plan from five to two years. It would also amend one-month site plan control approval timelines for all projects to one to three months based on project complexity.

Development during the transition period between Growth Plan and new Official Plans: It is recommended that the transition guidelines be further amended and enhanced, in consultation with municipalities, to provide more clarity for builders who want to submit successful applications for development projects in major transit station areas during the transition period between the July 1, 2017 effective date of the 2017 Growth Plan, and the in-effect date of new municipal Official Plans conforming to the new 2017 Growth Plan (see discussion in Appendix, "The Problem of Slow Planning Updates.")

Checklist: The Act would also require provincial applicable law agencies and municipalities would be encouraged to comply with a Provincially approved transparency checklist. The checklist would include a requirement for geographically based information to be provided in high resolution digital maps to support e-permitting below. (See Appendix for a recommended checklist.)

2. **Province to implement Working Group recommendations on other timelines.**

We recommend that the province implement recommendations from a working group, such as the one established by RESCON, and composed of regulatory agencies and industry stakeholders. The working group would review and improve all the other key approval timeframes not addressed by Recommendation 1.

3. **Province, municipalities and industry to endorse a "client-centric agency checklist."**

We recommend that the Province, municipalities and industry endorse a client-centric checklist to help provincial regulatory agencies and municipalities to provide better, faster service to permit applicants addressing matters such as effective pre-consultation, better coordination, and more delegation of authority to staff. Industry and other stakeholders have identified key attributes of a more client-centric regulatory agencies. (See Appendix for details on the Checklist.)

BLOCK B: Comprehensive Electronic Permitting System

4. **Province to establish a common data / file platform for comprehensive e-permitting.**

We recommend that the Province establish a common, open-source data and file transfer platform that

can be used by all e-permitting providers. This would allow for the expansion of existing e-permitting systems to create a comprehensive e-permitting system connecting all municipal departments and provincial approval agencies. This can build on the recently passed Bill 154 that gives businesses submitting documents to a government Ministry, the option to submit the documents electronically. The Province could support preliminary work related to a common data standard by the Large Municipalities Chief Building Officials (LMCBO) and several municipalities.

5. **Organize an e-permitting pilot project funded in part by excess reserve funds.**

Based on recommendations in its November 2017 Development Approval Roundtable Action Plan regarding potential municipal pilot opportunities, the Province, working with municipal building departments and other stakeholders, could establish a municipal pilot project to field-test a comprehensive e-permitting system involving municipal departments and provincial agencies involved in development and building approvals. This pilot project could be funded in part by excess building department reserve funds of participating municipalities, with additional funding provided by the province. The comprehensive e-permitting pilot would be intended to transition the Ontario system to a state-of-the-art system similar to the one used in Singapore, with functionalities outlined in this report.

BLOCK C: Complete Professional Submissions

6. **Province could amend Building Code, requiring coordinating professional, supporting documentation.**

This would apply to all building classes that are required under the Building Code to be designed by an architect or an engineer and involve two or more professional designers. The Building Code amendment and associated enhanced documentation verifying the roles and responsibilities of the design coordinator, would be implemented after the OAA-PEO joint subcommittee has completed its "Joint Practice Guideline."

7. **Pilot test an expanded version of "complete professional submissions"**

Municipal building officials from willing municipalities working with stakeholders, could pilot test an expanded version of the "complete professional submissions" that goes beyond documentation verifying design coordination but also includes peer (third party) review. This allows willing municipal building departments to transition more fully to an expert audit role with respect to professional submissions. Also, municipal planning departments and other approval agencies should adopt the "complete profession submissions" model including documentation attesting to coordination and peer review, with respect to submissions from professional engineers, architects and professional planners related to site servicing and planning.

10. Measuring Progress

The good practice concepts and implementation actions outlined in this report ideally would be implemented over the next three years, with some taking effect earlier than others.

Measuring improvements in key areas such as development approval timeframes and building innovation will be difficult as there are currently no broadly collected metrics on these topics.

Nonetheless, it is important to track progress on outcomes and other metrics such as certain inputs intended to improve outcomes. We anticipate that the proposed good practice concepts, when implemented, will result in improvements for both industry and regulatory agencies, as summarized below.

Since the good practice concepts are inter-connected, the total impact in many cases is greater than the sum of the parts. Most good practice concepts listed below, are enhanced by the other good practice concepts recommended in this report.

Key progress indicators include:

Impacts on industry and municipalities:

- Professional submissions are more complete, compliant with regulatory requirements.
- More efficient use of municipal staff resources and better client satisfaction.
- Faster and easier communication between applicant and approval agencies and among approval agencies.
- Fewer re-submissions and faster approvals.
- Much less paperwork and file storage.

Impacts on public, homebuyers, economy:

- Improved housing affordability and options
- More job creating investment in Ontario because of: affordable housing; efficient, client-friendly regulatory environment and reduced approval uncertainty.

11. Next Steps and Potential Future Studies

The steps outlined below are more specific actions that RESCON could undertake or support in collaboration with key stakeholders to help implement the broader recommendations in this report.

NEXT STEPS

- RESCON to support or establish Working Group to modernize or establish other **permit review timeframes** for other planning approvals and all applicable law agencies, including infrastructure approvals (e.g., municipal class environmental assessments).

- RESCON to complete in-house refinements to **client-centric checklist** and seek provincial endorsement and stakeholder support.

- RESCON to support OBOA and others on an **Internet-based information sharing platform** covering building code interpretations, enforcement best practices, standard technical details and municipally approved best alternative solutions.

- RESCON to support provincial and LMCBO **building reserve fund guideline** to identify surplus municipal reserve funds that could be used for other purposes (e.g., comprehensive e-permitting system).

- Building on OAA-PEO's "Joint Practice Guideline" on design coordination, RESCON to support development of an **operational policy guideline**, to expand the concept of complete applications to include independent peer review.

- RESCON to support municipal initiatives to **field test** the OAA-PEO "Joint Practice Guideline" and Operational Guideline for certain building permit classes such as alternative solution and staged (conditional) permit applications.

- RESCON to support or set up working group with planners and other stakeholders to explore application of the complete professional submission concept to **site engineering and planning submissions by professionals** by including enhanced documentation, coordination and peer review components.

POTENTIAL FUTURE PROJECTS TO REDUCE HOUSING SUPPLY CONSTRAINTS:

Other potential future projects that are beyond the focus of this report but will address housing supply constraints and help improve the production of affordable housing are:

- Building on the work of CANCEA, RESCON would review the **effectiveness of the new LPAT** in handling planning appeals, and identify potential ways to improve LPAT.

- **Identify and address impediments to updated or as-of-right zoning** or introduction of Community Planning Permits (CPP), to facilitate infill and intensification in compliance with approved Official Plans.

- Examine alternative or more effective public consultation models – electronic and other citizen engagement techniques – addressing the **democracy deficit** resulting in an over-representative of negative or NIMBY views on proposed development and an under-estimation of neighbourhood views in favour of a development proposal.

- Work with or support RCCAO to examine the potential for using **land value capture (LVC) from new residential and ICI construction above and adjacent to new transit stations** to help fund new subway, LRT and GO transit infrastructure in the GTA, thereby reducing the GTA's enormous transit deficit holding back intensification and new housing supply.

These potential projects could be undertaken by RESCON alone or in conjunction with other industry associations such as BILD, OHBA, RESCON's sister organization, RCCAO, and with other building sector stakeholders.

Appendices

12. Appendices

12.1 Client-Centric Agency Checklist

A cultural shift and quality inputs:

Referring to modernized approval process as "client-centric," recognizes that the review and approval process needs, in many cases, to become more client-oriented which means to focus more on providing better and faster service to industry clients.

For some regulatory agencies, this requires a culture shift within the organization.

But a client-centric approval process that is faster and more efficient will not work if the quality of inputs does not increase – this means complete and better-quality submissions.

Therefore, this report also recommends that professionals, representing industry clients, submit more complete professional submissions that address all key requirements of regulatory agencies – based on a totally transparent regulatory regime. This way, efficient, client-centric approval agencies are working with high quality applications to produce faster and better results.

Transparent and effective policy setting

A client-centric approval agency depends on other elements of the regulatory regime working well. Transparency of regulatory procedures and requirements contribute to high quality and compliant applications. But also agency policy setting functions need to be very effective.

The client-centric approval process and supporting checklist outlined in this appendix, depends heavily on the other main function of regulatory agencies, which is to engage in a robust upfront process for setting out policy, regulations, bylaws, standards, official plans and all associated guidelines and requirements and checklists.

Once development parameters are developed through a policy setting process that engages key stakeholders through the normal public consultation process, we can have a client-centric process that shifts gears and focuses on approval agencies verifying compliance with clearly defined policies, plans and regulations.

The policy setting on the one hand and the development control and approval functions on the other hand, have by their nature different corporate cultures.

The culture of the client-centric development control function is focused on how to help clients comply with the regulations – not to constantly revisit policy decisions.

Of course, there is an iterative process between the policy and development control and approval functions so that experiences in development control and approval will inform improvements to policy and planning, but that should not detract from the client focus of the development control and approval function.

It is key that persons in the development control area understand the enormous implications and risks of unexpected delays and changes on the viability of development projects proposed by applicants. Similarly, it is of key importance the developers and builders can understand the priorities and concerns of regulators.

Effective pre-consultation is key

A key component of the client-centric checklist is effective pre-consultation.

Pre-consultation, which is defined here as a consultation prior to a formal application with all key agencies typically involved in development approval, is an extremely important part of a more efficient, client-centric approval process.

It helps developers and builders decide early on, if a project is even feasible or profitable.

Where developers have decided to go ahead with a project, effective pre-consultation contributes to a more complete and compliant application. This means that the application includes the right amount of information and covers the right issues. It helps avoid later surprises that can be expensive to resolve.

Effective pre-consultation is important to address because the tendency for regulatory agencies is to treat this process as a less serious activity than the processing of formal applications – this may be because not all pre-consultations lead to a formal application.

This is why the structuring of the process is important – there needs to be an appropriate management of risk and resources on both sides – the industry side and the regulatory side.

In summary, a client-centric approval process recognizes that the main client of the development and building review and approval process is the applicant – the developer or designer applying for a planning or building permit.

A key part of the client centric checklist is a more transparent regulatory regime which it is proposed, be implemented through a Transparency Act. A transparency checklist to support a client centric approval process and a suggested Transparency Act is outlined below.

CLIENT-CENTRIC AGENCY CHECKLIST

Key elements of a client-centric approval process include:

EFFECTIVE PRE-CONSULTATION

- The right information at the right time. The system needs to work for both the regulator and the industry applicant. The level of detail will be lower at the earlier stages but sufficient for informal meetings and pre-consultation, and gets more detailed later in the process as the project matures.

- Applications should be complete, especially from professionals. There should be clear expectations that complete applications will be subject to agency review timeframes resulting in approval (permit issuance) or a refusal that includes all reasons for refusal so that the applicant can address remaining areas of non-compliance. An incomplete application on the other hand, is not subject to timeframes and can be expected to require re-submissions and will often take much longer to review and approve. Proper pre-consultation will help to ensure a complete application.

- Informal meeting before pre-consultation. To assist applicants in preparing for a more formal pre-consultation meetings, an informal meeting with a highly qualified and experienced planning department expert familiar with all relevant regulatory agency requirements, can be a very useful first step to identify key issues and key agencies that may have an interest in the application. This will maximize the effectiveness of the pre-consultation meeting with all the relevant agencies. The informal meeting helps the applicant to address the details that are of interest to the agencies attending the pre-consultation meeting

- Pre-consultation meeting attended by subject matter experts and decision-makers. It is essential that the pre-consultation meeting is attended by subject matter experts and key decision-makers from both the applicant and regulatory agency side. This will help to maximize the impact and effectiveness of the pre-consultation process. For this to work, the applicant must be prepared with sufficient information to make the meeting effective. Agencies attending would include all relevant municipal departments and all relevant external agencies as determined from the informal pre-meeting.

- Preparation for pre-consultation meeting. The applicant must provide a level of information about the proposed project for the pre-consultation meeting, that is sufficient to allow all key agencies at the meeting to assess in general whether and to what extent the application will comply with agency requirements. That level of detail may not be similar to the formal submission but sufficient for the pre-consultation purpose.

- Feedback from pre-consultation. Participating agencies should provide feedback on any missing information, and compliance issues and how they may be resolved so that the formal application is as complete and compliant as it can be. This step needs to be clear and concise and documented by both parties.

CLEARLY SEPARATING AGENCY PLANNNG AND DEVELOPMENT FUNCTIONS

- Separate "development control" function with right "corporate culture."

- Municipalities need to clearly delineate the different corporate cultures associated with "planning/policy" and "development control" functions of regulatory agencies. While most of the individuals working in the development control area are planners they may consider not using the title "planner" but rather development control or compliance officer or facilitator to reinforce the different culture in this part of the agency which is to help applicants to comply with agency requirements

ADDRESSING INTER-AGENCY COORDINATION AND CONFLICTS

- Senior Development Approvals Coordinator to resolve conflicts. A source of frustration for developers is that different municipal departments sometimes have poorly coordinated and even conflicting requirements. In addition, municipal department requirements may conflict with external agency requirements (e.g., Conservation Authorities and Ministry of Transportation). The developer, who has a bird's-eye view of the system, is left to resolve these conflicts. It is important for the municipality to designate a senior development approval coordinator, familiar with development approval requirements of all municipal departments, to be the go-to person for resolving inter-departmental conflicts, in consultation with the developer and the developer's agent. This person could be from the Office of the Chief Operating Office (COO) – which oversees City policies and programs. The Senior Development Approvals Coordinator would have the authority to resolve most issues except those that need to be referred to Council. This person would also assist in resolving conflicts among municipal departments and agencies.

DELEGATION OF AUTHORITY

- Delegate More Routine Approvals to Senior Staff: Development approvals for relatively routine matters covered by regulations, standards and guidelines and where no consultation is required, should be addressed entirely by staff with only very minor exceptions. Examples include site plan control and subdivision agreements. Recently the City of Calgary delegated all site plan control to staff, a change that has apparently substantially speeded up approvals by eliminating reviews by council. To make this work requires full transparency regarding regulatory requirements and processes, along with guidelines and standards that fully articulate Council's vision about community development, along with an effective pre-consultation process.

PERMIT FEE STRUCTURE

- Reconsider re-submission fees. Resubmission fees can be counterproductive if they actually encourage regulatory agencies to expect re-submissions. The re-submission fees normalize a practice of re-submission that should not happen if applications are complete and compliant through a highly transparent regulatory process. If re-submission fees are necessary, they should be small enough not to create a financial incentive for municipalities to accept re-submissions.

12.2 Transparency Checklist

Transparency is the quality of being easily seen through. It's about being clear, open, honest and up front about requirements and procedures. Transparency by regulatory agencies enables applicants to fully comply with regulatory requirements, which can dramatically improve process efficiency.

For capable applicants, it enables them to understand and comply with requirements in the first instance; to submit complete, high quality applications; to get through the process more quickly; and to control unnecessary costs.

For approval and enforcement agencies, transparency fosters better understanding among regulatory agencies. A higher proportion of compliant submissions allows agencies to focus on their core responsibilities, to transition to less of a hand holding role, and to better manage resources and costs.

It is recommended that the province introduce a "Transparency Act" that would require all agencies and municipal departments, and also provincial departments, involved in development and building approvals in Ontario (and perhaps other disciplines as well), that would identify the affected agencies, and would outline key areas of transparency to be achieved in agency websites including key outcomes: quality, clarity and access of information; the type of information covered (requirements, procedures, agency performance metrics, etc.).

To assist regulatory agencies with implementation, the Act would refer to a Transparency Checklist such as the one below:

TRANSPARENCY CHECKLIST

FOR GOVERNMENT

- User friendly regulations and standards: overhaul to improve clarity and provide access to interpretation services

FOR MUNICIPALITIES AND OTHER APPROVAL AGENCIES

- Regulatory sources: Provide links to the text of regulations and bylaws.

- Readily accessible, plainly worded guidelines: Information should be factually accurate and delivered in plain language. It should describe the intent of regulations and standards, and the essential aspects it is necessary to comply with to obtain approval.

- Completeness requirements: Complete application requirements for various categories including all required documents and key content. Checklist formats are effective for this.

- Drawing requirements, including standard details and templates: The content and level of detail required for drawings submitted as part of a complete application should be explicitly stated. As an example, a standard set of site plan drawings would address many routine processing delays. The idea of standard drawings, details and information could be applied to all areas of building and development approval. Of course, many applications have different or unique requirements but nonetheless, the standard details and information provide a useful guide.

- Visible staff contacts: Direct phone and email access to key staff involved in managing and processing the application, to speed up issue resolution.

- Online, high resolution digitized maps: Geographical information and data (flood plain maps, infrastructure maps, etc.) should be presented in a high-resolution format and be compatible with 3D BIM and GIS project information.

- Practical examples: Common types of applications and scenarios with examples of complete application submissions.

- Decision-making criteria: The decision-making criteria for evaluating proposed designs, where regulation and policy provisions allow for varied determinations by the approval agency.

- Completeness Evaluation: This is critical for resolving minor issues that can otherwise cause avoidable long delays. A decision about completeness should be issued at the time an application is filed or soon after, as is the case with building permits.

- Review timeframes: Report the normal timeframe for a decision on an application, including interim completeness determinations and the final issuance of an approval. Timeframes should be updated regularly according to actual results. Timeframes for final approvals can be differentiated according to the complexity of an application, and should anticipate either approval, or the issuance of a document outlining all the reasons why an application cannot be approved, as is the case with building permits. Annual reports should be posted on the agency website listing median review timeframes and number or percentage of applications exceeding prescribed timelines, and explanations for non-compliance with legislated review timeframes.

- Financial results: Annual reports on the agency's enforcement and processing fees and costs should be posted in a standard format.

Some good examples of transparency in practice: The Ministry of Municipal Affairs "Citizen's Guides to Land Use Planning" and The Ministry's recently released checklists related supplementary standard SB 10 (energy efficiency requirements for large buildings) provided through the OBOA/ LMCBO Build Right website.

12.3 Specific Approval Issue Examples

Below is an overview of some specific issues based on input from stakeholders (industry, regulatory agencies and professionals), literature, and focus groups. This appendix note expands on the list of issues provided in the body of the report:

- **Routine planning approvals are often too slow.** Site plan, subdivision, other planning approvals, are often too slow and unpredictable, resulting in substantial, unexpected costs for developers. Chronic under-zoning adds additional delays, uncertainty and costs as noted above. This means that more complex but otherwise viable projects are not even considered, reducing new supply, while other projects are temporarily dropped because of escalating costs relative to market prices.

- **Many agencies operate as silos and have not adopted best practices resulting in missed opportunities.** While some agencies have adopted some very good practices (for example, effective pre-consultation, having a senior municipal staff person monitor applications and facilitate problem resolution, delegation of authority to qualified staff, electronic-permitting), we encourage others to get on board. For example, in the building area some municipalities are less than effective in coordinating fire service and building service activities in relation to new construction while others are much better in ensuring fire service input in plans review for new building construction to avoid conflicts later after building permit issuance.

- **Failure to meet mandatory timeframes, lack of sense of urgency, or no timeframes at all.** This is a concern particularly with planning agencies and municipal site servicing engineering approvals, for example:
  - Site plan control approval, because it is largely technical, should take 1 month but often takes over 2 years.
  - Rezoning, including industry-initiated rezoning to comply with the Approved Official Plan, should take 9 months but often takes over 3 years.
  - As already noted, municipal updating of zoning to align with a new approved official plan should take 3 years but is generally not done at all.
  - Site servicing engineering reviews which should take 1 month if done by a qualified person receiving a proper engineering plan, often take many months.
  - In addition, many external agencies (e.g. Conservation Authorities), don't currently have mandatory service delivery timeframes.

- **Regulatory system modernization lags behind increased demands, complexity.** While demands on builders have increased, the regulatory system has not kept up. Examples of increased demands on developers and builders include: rising consumer expectations; increasing energy efficiency standards (e.g. ultra vires mandatory components of the Toronto Green Standard, and municipal Energy Star requirements); and the significant expansion of other planning and building requirements. The approval and permitting system, in contrast,

has changed little over time – it has not been noticeably modernized across the province to demonstrate that we can efficiently manage increased demands and regulatory complexity.

- **Building permit system is less "innovation-friendly" than in some other jurisdictions.** At the building permit stage, after all "applicable law" requirements (prior development approvals) are met the approvals process for building plans is usually reasonable. Current processes for obtaining municipal building permits includes a process for approving alternative solutions. Although this creates an opportunity for construction innovation, this process is not as efficient as it is in other jurisdictions. While Quebec and British Columbia already each have two or more mass timber buildings constructed, there are none in Ontario which has been slower than other jurisdictions in Canada and around the world to embrace this example of proven building innovation. One contributing factor is that Quebec and BC already have local manufacturers of pre-engineered mass timber products such as CLT, while Ontario is still awaiting its first active CLT plant. Having said that, building regulatory regimes in BC and Quebec appear to be more innovation friendly than Ontario's current building regulatory regime.

- **Transparency needs to be improved in many regulatory agencies.** Regulatory agency transparency with respect to standards, procedures, etc., is not as good as it could be in many municipal and provincial agencies. Comprehensive e-permitting can help but more is needed. While some agencies have made a strong effort to be transparent, we support and encourage all to become committed to this goal.

- **Slow uptake of comprehensive electronic-permitting (e-permitting).** While some municipal building departments have substantial improvements in this area with e-permitting systems, no Ontario jurisdictions have a comprehensive e-permitting system similar to that of Singapore for example, that links together all key agencies with fully integrated 3D BIM-GIS capability. Professionals using the Singapore system have experience time savings 65%, a reduction in manpower of 44%, printing cost savings of 72% and a reduction of hardcopy storage costs of 54%. Regulatory agencies have experienced similar savings of time and resources.

- **Little inter-agency cooperation on approving standard or common technical details.** Municipalities acting largely alone in verifying development and building compliance, often undertake labour intensive plan reviews and inspections on every project. There is little collaboration among municipalities and other agencies regarding approvals for standard technical details. We applaud the OBOA and LMCBO, with their "Build Right" initiative – an effort in the right direction.

- **Lack of centralized information on regulatory interpretations, enforcement practices.** Industry has difficulty in getting consistent information, advice and interpretations related to Building Code enforcement practices among municipalities. The province has become much less active in this area than in previous years, perhaps because of an excessive concern about liability, so the industry and building officials are looking at other solutions, including the "Build Right" initiative.

- **Industry professionals are under-utilized in the compliance process**. Design professionals and planners play a key role in regulatory compliance. The more that they are "partners in compliance" the more efficient the approval process. We encourage Ontario's professional engineers and architects, as well as certified and registered professional planners, to become

more engaged in the approval and compliance system, allowing regulatory agencies to shift to more of an audit role.

- **Delays related to municipal engineering review of site servicing designs.** Expert private sector engineers, Chief Building Officials, and others have reported severe delays in municipal engineering approvals of site servicing (water, sewer, water management for new projects). This has been attributed to several factors including: inexperienced and under-qualified municipal staff (some are not trained as engineers); municipal engineering departments retaining outside consultants who often re-design site engineering regardless of the quality of the engineering submission, which in turn encourages mediocre private industry submissions in order to get into the que for a lengthy plans review process that should take about 1 month rather than the several months or more that is often the case.

- **The need for more proportionality**. A basic principle of good regulatory practice and risk management is that the robustness of regulatory measures be proportional to complexity and the level of risk – with risk being the impact on life safety, property and the community resulting from a defect or error. Enforcement resources should be allocated proportionately to those higher risk cases. This does not always happen. For example, under the current Planning Act, all site plan reviews should be done in one month regardless of building complexity (but in fact they often take 2 years).

12.4 The Problem of Slow Planning Updates

Slow municipal planning regulation updates to align with new Growth Plans

The provincial Growth Plan, which must be updated every 10 years, provides the framework for municipal Official Plans. The process for updating the Municipal Official Plan to align with a new Growth Plan involves what is called a Municipal Comprehensive Review. The current provincial Growth Plan took effect on July 1, 2017, replacing the previous Growth Plan released in 2006.

Municipal Official Plans outline the broad vision for city development supported by secondary plans for areas with special characteristics that require more detailed planning areas such as transit hubs. Updated zoning (or Community Planning Permits [CPP], an alternative to traditional zoning discussed elsewhere) helps to complete the planning framework for development.

There are chronic problems with the updating of municipal planning documents to align with the new Growth Plan. The process for updating the Municipal Official Plan to align with a new Growth Plan involves what is called a Municipal Comprehensive Review (MCR). In addition to the MCR there also are transition provisions that are in effect between the updated Growth Plan and the time the Municipal Official Plan is updated.

After the Municipal Official Plan is updated, municipal zoning should be updated to reflect the new Official Plan.

The problem with the current process is three-fold. Firstly, the timeframes are too long for these updates; secondly, there is little or no compliance with even these long timeframe; thirdly, transition provisions are fragmented among three documents that are rather difficult to follow.

In regard to timeframes, the official timeframes for updating planning documents are as follows. Firstly, municipalities have five years (to 2022) to update their Official Plan, through the Municipal Comprehensive Review process, to comply with the new Growth Plan. Secondly, after that, municipalities have another three years to update its zoning to comply with the new Official Plan, for a total of eight years. Equally significant is that there is virtually no municipal compliance with these updating timeframes.

This report recommends that these timelines for updating municipal Official Plans to the Growth Plan be reduced from five to two years and that the timeframe for updating zoning to conform to the municipal Official Plan be reduced from three years to one year. Finally, there is a need to clarify and broaden transition provisions that apply to develop applications before the Municipal Official Plan is updated.

The need to clarify transition periods

Under Ontario's planning regime, the new 2017 Growth Plan is implemented through conformity exercises which are intended to bring municipal Official Plans into alignment with a new provincial

Growth Plan. The conformity process is supported by transition provisions.

These transition provisions are found in two draft guidance documents that support implementation of the 2017 Growth Plan for the Greater Golden Horseshoe: i) the "Municipal Comprehensive Review Process," (March 2018) and ii) "Application of the Intensification and Density Targets (March 2018). These guidance documents are based on Ontario Regulation 311/06, "Transitional Matters – Growth Plans." These are draft documents under a review with a consultation period that ended June 19, 2018.

In the guidance document "The Municipal Comprehensive Review Process," under 2.4, there is reference to a Planning Act requirement that in the interim period between the effective date of the new 2017 Growth Plan (in this case, July 1, 2018) and a new Official Plan that is approved and in effect, all decisions in respect of planning matters will conform to the Growth Plan as of July 1, 2017, subject to any legislative or regulatory provisions providing otherwise. Ontario Regulation 311/06, "Transitional Matters – Growth Plans" provides these exceptions, and provides the basis for the two guidelines mentioned above.

The 2017 Growth Plan includes new requirements for Major Transit Station Areas (MTSAs) which are defined as areas with 500 metres or a 10-minute walk to a higher order transit station. The 2017 Growth Plan, which is intended to increase densities adjacent to major transit stations, includes density targets for MTSAs. Municipal Official Plans, and any related secondary produced at the end of the Municipal Comprehensive Review Process, would delineate precise boundaries and transition policies between higher densities near transit stations and adjacent established communities.

While the Planning Act, reflected in 2.4, requires conformity with the 2017 Growth Plan subject to the exceptions mentioned in the guidelines, these exceptions as they apply to MTSAs, and outlined in Appendices 1 and 2 of the guideline, are not very clear.

It is therefore recommended that the transition guidelines be further amended and enhanced in consultation with municipalities, to provide more clarity for developers who want to submit successful applications for development projects in major station areas during the transition period between the July 1, 2017 effective date of the new Growth Plan, and the in-effect date of new municipal Official Plans conforming to the new 2017 Growth Plan.

Firstly, the enhanced guideline would clarify that appropriate development applications in MTSAs after July 1, 2017 and before the in-effect date of a new Official Plan, can in fact be approved. Secondly, the enhanced guideline also would provide more clarity on how developers can meet the policy intent of the 2017 Growth Plan regarding MTSAs in the absence of a new municipal Official Plan, while respecting the matters covered in the exceptions. Also, enhanced guidance may include some examples and scenarios of projects likely to comply with both the 2017 Growth Plan, matters covered in the exceptions, prior Official Plans and any objectives anticipating the upcoming Official Plan arising from the Growth Plan conformity exercise. This way, developers and builders will have a better idea of what is likely to be acceptable and not acceptable during the transition period.

The problem of under-zoning

Chronic "under-zoning" relative to approved municipal official plans, and the slow updating of municipal Official Plans to align with updated provincial Growth Plans, have the effect of slowing down development approvals.

As a result, process efficiencies gained through a more effective way to manage the mechanics of routine approvals (site plan and subdivision control for example) may be "diluted" to some extent by delays associated with the rezoning process and associated public consultation.

Nonetheless, it is important to speed up the planning "machinery" for more "routine" approvals and streamline these elements of the approval process, even if other "weak links" in the system may, for a period of time, delay or dilute the full impact of these targeted improvements to the mechanics of the system.

LPAT and Bill 73

The new Local Planning Appeal Tribunal (LPAT) which introduces a new appeal process, is outside of the scope of this study, which is focussed on OP compliant projects, but it is an important part of the larger planning context.

In 2015, Bill 73, the Smart Growth for our Communities Act, 2015, added a new provision to the Planning Act, called "No Global Appeal", prohibiting a global appeal of an entire new Official Plan. This prohibition continues under Bill 139, which establishes the new Local Planning Act Tribunal (LPAT) to replace the OMB. These blanket OP appeals, which under the previous regime were quite common, could delay "crystallization" of the OP which provides a reference point for comprehensive zoning updates. Delays in "crystallization" therefore can delay municipal updates. Under LPAT, at least this one reason for municipalities to delay zoning updates has been removed.

There are indications that this new appeal process may slow down appeals and create more uncertainty, as deemed to comply provisions have a bigger impact under the new LPAT regime. Under the new LPAT appeal process, an appeal is possible only for compliant applications where municipal zoning and official plans are non-compliant with the current Growth Plan. If non-compliant zoning is deemed to comply because the appeal period has expired than this can prevent many appeals previously allowed under the OMB regime.

This report makes some recommendations with respect to municipal updating of zoning under the new LPAT regime: a) Reduce the timeframe for comprehensive zoning updates from 3 years to 1 year, as noted earlier; b) Municipalities to seriously consider engaging outside consultants, subject to municipal verification and approval, to update zoning; c) Municipalities consider using the Community Permits to provide more flexibility.

12.5 Agency Transition Issues

The streamlining approach proposed in this report which includes enhancing the role of professionals in compliance and much greater use of e-permitting technology, will tend to shift some of the compliance workload away from regulatory agencies which can have an impact on the deployment of staff resources in regulatory agencies.

With a shift of more compliance responsibility to industry, regulatory agencies will focus more on process management, expert auditing, and improved client services. As industry professionals become more of a "partner in compliance," fewer employees may eventually be required in regulatory agency compliance functions, as distinct from activities related to policy setting and developing guidelines, etc.

During the initial phase in process municipalities and regulatory agencies may need to engage consultants do some of the work to make agencies more transparent and client-centric. After that regulatory system streamlining efficiencies can liberate staff resources needed to further enhance and maintain the new client-centric audit-based model.

This report recommends zero layoffs of regulatory agency employees as a result of the implementation of these streamlining and modernization reforms. Rather the focus should be on engaging employees in implementing these reforms through a redeployment of any surplus staff to other important functions in a client centric agency model.

There are many reasons for taking the redeployment (no layoffs) approach:

- Management and staff buy-in is essential for the transition to the new model – and this approach will help to maximize buy-in and minimize resistance.
- It seems to be contrary to common sense to link modernization and service – improvements to a win-lose scenario. It can be a win-win scenario which means better client service and better quality of work for regulatory staff.
- Modernization reforms should not become an occasion for "house cleaning" which taints the modernization idea – and makes any future modernization efforts less likely.
- Any longer-term staff surpluses – that are evident after the dust settles – should be handled trough attrition and retirements.

For example, more staff and resources could be shifted to or redeployed to these areas:

- Working on maximizing transparency of requirements and client-centric agency provisions as outlined in the transparency checklist and client-centric agency checklists.
- Providing expert pre-consultation services, to help improve the completeness and quality of applications.
- Addressing any conflicts and coordination issues among departments.

- Providing more information, explanation and advice to applicants in dealing with complex regulatory compliance issues such as projects falling into the grey zone or innovative projects that require more time.
- Staff training on enhanced, comprehensive e-permitting technology and BIM.

In summary, the reforms outlined in this report to improve efficiency, need be supported by all employees and managers – this is fundamental to their implementation.

In Finland, when a comprehensive e-permitting system was introduced in one of it's municipalities, all employees were retained while the system was able to process three times the number of applications within a particular timeframe.

12.6 List of "Applicable Law" Agencies

DEFINITION OF "APPLICABLE LAW" IN BUILDING CODE

The Chief Building Official (CBO) acts as a "gatekeeper" in the land development and building approval system. He or she is required by legislation to check for compliance with all applicable law which is listed in the Building Code itself. This is a very comprehensive list covering all legislation, regulations and bylaws that may potentially need to be considered.

In practice, most building projects are checked against a more limited list of applicable law. It is this more typical list of applicable law agencies from the municipal and provincial sector that need to be subject to provisions aimed at simplifying and easing information sharing and file transfers.

1.4.1.3. Definition of Applicable Law

(1) For the purposes of clause 8 (2) (a) of the Act, *applicable law* means,

(a) the statutory requirements in the following provisions with respect to the following matters:

(0.i) section 14 of Ontario Regulation 137/15 (General) made under the *Child Care and Early Years Act, 2014* with respect to the approval of plans for a new *building* to be erected or an existing *building* to be used, altered or renovated for use as a *child care centre* or for alterations or renovations to be made to premises used by a *child care centre*,

(i) section 114 of the *City of Toronto Act, 2006* with respect to the approval by the City of Toronto or the Local Planning Appeal Tribunal of plans and drawings,

(ii) section 59 of the *Clean Water Act, 2006* with respect to the issuance of a notice by the risk management official for the *construction* of a *building*,

(iii) Revoked: O. Reg. 139/17, s. 5 (2).

(iv) section 194 of the *Education Act* with respect to the approval of the Minister for the *demolition* of a *building*,

(v) section 6 of Regulation 314 of the Revised Regulations of Ontario, 1990 (General), made under the *Elderly Persons Centres Act*, with respect to the approval of the Minister for the *construction* of a *building* project,

(vi) section 5 of the *Environmental Assessment Act* with respect to the approval of the Minister or the Environmental Review Tribunal to proceed with an undertaking,

(vii) section 46 of the *Environmental Protection Act* with respect to the approval of the Minister to use land or land covered by water that has been used for the disposal of waste,

(viii) section 47.3 of the *Environmental Protection Act* with respect to the issuance of a renewable energy approval,

(ix) section 168.3.1 of the *Environmental Protection Act* with respect to the *construction* of a *building* to be used in connection with a change of use of a property,

(x) paragraph 2 of subsection 168.6 (1) of the *Environmental Protection Act* if a certificate of property use has been issued in respect of the property under subsection 168.6 (1) of that Act,

(xi) section 14 of the *Milk Act* with respect to the permit from the Director for the *construction* or alteration of

any *building* intended for use as a plant,

(xii) section 11.1 of Ontario Regulation 267/03 (General), made under the *Nutrient Management Act, 2002*, with respect to a proposed *building* or structure to house farm animals or store nutrients if that Regulation requires the preparation and approval of a nutrient management strategy before *construction* of the proposed *building* or structure,

(xiii) subsection 30 (2) of the *Ontario Heritage Act* with respect to a consent of the council of a *municipality* to the alteration or *demolition* of a *building* where the council of the *municipality* has given a notice of intent to designate the *building* under subsection 29 (3) of that Act,

(xiv) section 33 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the alteration of property,

(xv) section 34 of the *Ontario Heritage Act* with respect to the consent of the council of a *municipality* for the *demolition* of a *building*,

(xvi) section 34.5 of the *Ontario Heritage Act* with respect to the consent of the Minister to the alteration or *demolition* of a designated *building*,

(xvii) subsection 34.7 (2) of the *Ontario Heritage Act* with respect to a consent of the Minister to the alteration or *demolition* of a *building* where the Minister has given a notice of intent to designate the *building* under section 34.6 of that Act,

(xviii) section 42 of the *Ontario Heritage Act* with respect to the permit given by the council of a *municipality* for the erection, alteration or *demolition* of a *building*,

(xviii.1) section 17.4 of the *Ontario New Home Warranties Plan Act* with respect to the provision of a confirmation by the Registrar for the *construction* of a residential condominium conversion project,

(xix) section 14 of the *Ontario Planning and Development Act, 1994* with respect to any conflict between a development plan made under that Act and a zoning by-law that affects the proposed *building* or structure,

(xx) section 41 of the *Planning Act* with respect to the approval by the council of the *municipality* or the Local Planning Appeal Tribunal of plans and drawings,

(xxi) section 42 of the *Planning Act* with respect to the payment of money or making arrangements satisfactory to the council of a *municipality* for the payment of money, where the payment is required under subsection 42 (6) of that Act,

(xxii) section 2 of Ontario Regulation 239/13 (Activities on Public Lands and Shore Lands — Work Permits and Exemptions), made under the *Public Lands Act*, with respect to the work permit authorizing the *construction* or placement of a *building* on public land,

(xxii.1) section 5 of Ontario Regulation 239/13 with respect to the exemption from the requirement to obtain a work permit authorizing the *construction* or placement of a *building* within an unpatented mining claim,

(xxiii) section 34 or 38 of the *Public Transportation and Highway Improvement Act* with respect to the permit from the Minister for the placement, erection or alteration of any *building* or other structure or the use of land,

(b) the following provisions of Acts and regulations:

(i) subsection 102 (3) of the *City of Toronto Act, 2006*,

(ii) sections 28 and 53 of the *Development Charges Act, 1997*,

(iii) sections 257.83 and 257.93 of the *Education Act*,

(iv) subsection 5 (4) of the *Environmental Assessment Act*,

(v) subsection 133 (4) of the *Municipal Act, 2001*,

(vi) subsection 24 (3) of the *Niagara Escarpment Planning and Development Act*,

(vii) subsection 27 (3) of the *Ontario Heritage Act*,

(viii) section 33 of the *Planning Act* except where, in the case of the *demolition* of a residential property, a permit to *demolish* the property is obtained under that section,

(ix) section 46 of the *Planning Act*,

(b.1) by-laws made by a *municipality* under an agreement entered into under section 5.81 of the *Aeronautics Act* (Canada),

(c) regulations made by a conservation authority under clause 28 (1) (c) of the *Conservation Authorities Act* with respect to permission of the authority for the *construction* of a *building* or structure if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development,

(d) by-laws made under section 108 of the *City of Toronto Act, 2006*, but only with respect to the issuance of a permit for the *construction* of a green roof if the *construction* of the roof is prohibited unless a permit is obtained,

(e) by-laws made under section 40.1 of the *Ontario Heritage Act*,

(f) by-laws made under section 34 or 38 of the *Planning Act*,

(g) subject to clause (h), by-laws made under Ontario Regulation 173/16 (Community Planning Permits) made under the *Planning Act*,

(h) by-laws referred to in clause (g) in relation to the development of land, but only with respect to the issuance of a development permit if the development of land is prohibited unless a development permit is obtained,

(i) by-laws made under Ontario Regulation 246/01 (Development Permits) made under the *Planning Act* which continue in force despite the revocation of that Regulation by reason of section 19 of Ontario Regulation 173/16 (Community Planning Permits) made under that Act,

(j) orders made by the Minister under section 47 of the *Planning Act* or subsection 17 (1) of the *Ontario Planning and Development Act, 1994*, and

(k) by-laws made under any private Act that prohibit the proposed *construction* or *demolition* of the *building* unless the by-law is complied with.

(2) For the purposes of clause 10 (2) (a) of the Act, *applicable law* means any general or special Act, and all regulations and by-laws enacted under them that prohibit the proposed use of the *building* unless the Act, regulation or by-law is complied with.

12.7 Example, City of Mississauga: Key Applicable Law Agencies for Site Plan Control

Municipalities will be somewhat different as regards to which applicable law agencies need to be circulated, but there will be agencies common to all. Examples of agencies involved in site plan control application circulation are provided for the City of Mississauga and for the City of Burlington.

Planning and Building Departmen

Development and Design Division - Responsible for the coordination and review of all aspects of site design and landscaping, including building elevations, site layout, impact on adjacent land uses, natural features, streetscape, vehicular and pedestrian circulation.

Zoning Section – is responsible for reviewing the plans to ensure compliance with Zoning By-law 0225-2007, as amended, with respect to permitted uses, building setbacks, provision of required parking and loading, etc.

Plumbing Section - review Site Plans which propose the use of a private sewage system (or relocation or extension to an existing system).

Transportation and Works Department

Transportation and Infrastructure Planning - responsible for the review of grading, drainage, entrance locations, road widenings, the impact of the proposed development on existing roadways and streetscapes.

Hurontario Light Rapid Transit Project, Bus Rapid Transit Corridor Mississauga Transit - reviews transit routes, stops and other impacts on public transit.

Engineering and Works - considers the requirement for Lot Grading Approval (certification by an Ontario Land Surveyor or Professional Engineer) prior to building permit issuance

Community Services Department

Parks Planning – is responsible for the assessment of fencing, tree protection, rehabilitation/ landscape plans and grading regarding properties adjacent to parkland and public open space and streetscape review. They review proposals for potential land dedication/easement or access requirements related to parkland or greenbelt needs.

Fire and Emergency Services – responsible for the review and approval of Fire and Emergency Services access to buildings, location of fixed fire protection equipment, water supply and the location of storage facilities for hazardous materials and community signage

Forestry – *Public trees*: Responsible for the protection and preservation of City owned trees. Forestry will administrate review of the proposal as it relates to the tree inventory, tree assessment, hoarding, tree protection deposits, tree removals, tree replacement, administration fees and general arboriculture requirements. *Private trees:* Responsible for the administration of the Private Tree By-law (0254-12) and administer the Tree Permit Process. Information regarding the Forestry Section is available at the following link: *http://www.mississauga.ca/portal/residents/urbanforestry*

Culture Division – responsible for reviewing projects that impact properties that are listed on the City's Heritage Register or designated under the Ontario Heritage Act

External Agencies

Region of Peel Planning Department

Responsible for Regional Roads, water and sanitary sewer servicing, on-site waste storage and removal arrangements, and sanitary landfill sites More information is available at the following link: *http://www.peelregion.ca/planning/*

Conservation Authorities

Review proposals for impacts on floodplains, valley lands and bank stability, stormwater management, erosion and sedimentation There are three conservation authorities regulating lands in Mississauga: Credit Valley Conservation Authority (CVC): http://www.creditvalleyca.ca/planning-permits/contact-planning/ Toronto and Region Conservation Authority (TRCA): http://trca.on.ca/planning-services-permits/ Halton Region Conservation: *http://www.conservationhalton.on.ca/ShowCategory.cfm?subCatID=779*

Ministry of Transportation

Responsible for review of impacts on Provincial highways and interchanges More information on MTO planning requirements is available at: http://www.mto.gov.on.ca/english/engineering/management/corridor/municipalguideline/standards.shtml

Alectra Utilities (Enersource Hydro Mississauga)

Responsible for the review of proposals with respect to electrical service to ensure there are no on-site conflicts with site design, landscaping and service provision More information regarding Enersource requirements is available at the following link: http://www.enersource.com/Pages/index.aspx

Utility Companies Bell Canada, Enbridge Gas, Rogers Cable and Enersource Hydro Mississauga – circulated to advise the utility companies of future residential developments which may require special consideration for utility connections

Canadian Nation (CN) Railway and Canadian Pacific (CP) Railway

All applications which are adjacent to or within 300 metres of a rail line

Greater Toronto Airport Authority (GTAA)

All applications for lands bounded by Eglinton Avenue to the south, Winston Churchill Boulevard to the west, the Brampton/Mississauga boundary to the north and the City of Toronto/Mississauga boundary as illustrated on Schedule 2.1.23 (Lester B. Pearson International Airport Operating Area Map) in Zoning By-law 0225-2007, as amended More information regarding Greater Toronto Airport Authority requirements is *https://www.torontopearson.com/gtaa.aspx*##

12.8 Example, City of Burlington: Key Applicable Law Documents and Agencies for Site Plan Control

Burlington's applicable Site Plan Application Matrix is attached.

This very elegant chart identifies particular "application items" along with the circulation relevant to each of the application forms described as standard circulation which is more common and additional circulation agencies.

Complete Site Plan Application Matrix — Application Items	*Standard Circulation for Full Site Plan Application											Additional Circulation (when applicable)						
	Planning	Zoning	Site Engineering	Fire	Transportation	City Forester	Region	Hydro	Police	BAAC	Total	Conservation Halton	MTO	Hydro One	CN	Enbridge	Heritage Burl.	School Boards
Application Form	1	1	1	1	1	1	1	1	1	1	10	1	1	1	1	1	1	*1
Application Fee	1						1				2	1						
Site Plan	2	1	1	1	1	1	*2	1	1	1	12	1	1	1	1	1	1	
Servicing Plan	2	1	1	1	1	1	*1	1	1	1	11	1	1	1	1	1	1	
Grading Plan	2	1	1	1	1	1	*1	1	1	1	11	1	1	1	1	1	1	
Landscape Plan	2	1	1		1	1	*1	1	1	1	10	1	1	1	1	1	1	
Tree Preservation Plan (when applicable)	2	1	1			1					5	1	1	1	1	1	1	
Floor Plan	2	1		1							4							
Architectural Elevations	2	1		1							4							
Common Element Condo Plan (when applicable)	2	1	1				*1				5							
Full set of plans in pdf format	1						1				2							
Noise Study (when applicable)		1					*1				2							
Traffic Impact Study (when applicable)					1		*1				2							
Phase 1 ESA			1				1				2							
MOE Record of Site Condition			1				1				2							
Site Screening Checklist			1				1				2							
Siltation Control Details			1								1							
Lighting Details/Photometrics			1								1							
Outdoor Storage/Screening Details	2	1	1								4							
Bicycle Rack Details	2	1	1								4							
Fencing Details	2	1	1			1					5	1	1	1	1	1	1	
Survey Showing Proposed Buildings (stamped by OLS)		2									2							
AutoCAD File of Site Plan	1										1							
Rooftop Mechanical Screening Details	2	1									3							
Application for Zoning Certificate		1									1							
Letter from arbourist confirming tree preservation methods						*1					1							
8½ x 11 Fire Route Plan				4							4							

* Notes
- Contact the Planning Division to determine the circulation list for Minor Modification and Minor Development applications.
- School Boards - Circulation for medium and high density residential developments only.
- Region - Submit studies as needed and an additional set of plans when development is adjacent to a Regional Road.
- City Forester - Submit letter if a Tree Preservation Plan is submitted.

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