



# Regional Planning Commissioners of Ontario

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Direct all correspondence to the office of the Chair

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April 12, 2010

Ms. Audrey Bennett  
Acting Assistant Deputy Minister  
Local Government and Planning Policy Division  
Ministry of Municipal Affairs and Housing  
13th Floor, 777 Bay Street  
Toronto, ON M5G 2E5

Dear Ms. Bennett:

Re: Mechanisms to Ensure the Provision of Inclusionary Housing

I am writing to again express our support for the development of explicit policies and legislation to enable municipalities to require the provision of inclusionary housing. This matter has been the subject of a number of letters from the Regional Planning Commissioners of Ontario (RPCO) to the Ministry (dated December 21, 2009, April 24, 2009, March 26, 2008 and April 6, 2006), and has been cited in RPCO position papers on the Growth Plan (2005) and changes to the Provincial Policy Statement (2004).

We urge the Ministry to move ahead with an approach to enable inclusionary housing as part of the Long-Term Affordable Housing Strategy and through the introduction of legislation. This letter reiterates the rationale for this, and comments on the opportunities to implement a desirable approach.

As we have previously indicated, inclusionary housing is a necessary tool to:

- assist municipalities in implementing the housing goals and objectives of the Provincial Policy Statement and Growth Plan, and in doing so, provide for a full range of housing needs. The mechanism has the added benefit of contributing to compact development and transit-oriented development in keeping with the Growth Plan;

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- complement and enhance the federal/provincial housing programs, thereby maximizing the program benefits for a greater number of low and moderate income households, without adding significantly to the financial burden of any government level; and
- supplement the limited array of tools and approaches available to municipalities for the provision of assisted and affordable housing. Municipal experience with other existing tools such as section 37 of the Planning Act, in addition to research on inclusionary housing, shows that negotiated approaches do not achieve significant amounts of affordable housing, particularly where housing is merely one of various public benefits being negotiated.

In light of this, and given the growing need for assisted and affordable housing in a time of fiscal restraint, we strongly believe that the Province now has both an opportunity and a responsibility to deal directly with the issue and take action.

We were encouraged by the discussion of inclusionary housing in the context of consultations on the Province's Long-Term Affordable Housing Strategy. We believe this Strategy provides an important and timely means for moving forward with inclusionary housing, and urge that it form an integral part of the soon-to-be-released Strategy.

One recent initiative (Bill 198, An Act to Amend the Planning Act with respect to Inclusionary Housing) offered some useful ideas that the Ministry might consider incorporating into government policy. We feel that inclusionary housing legislation should be based on several key principles, including:

- clear and strong language mandating, not encouraging, the provision of inclusionary housing. This requirement should apply to all municipalities, to ensure that a minimum "as-of-right" standard is imposed across the Province. This would guarantee that implementation is done in a consistent manner, while perhaps offering the ability for some municipalities to go beyond the minimum standards where needed (similar to the provisions under the current Provincial Policy Statement);
- assurances that municipalities are not charged with the defence of this new authority. Applications relating to the use of such powers should not be appealable to the Ontario Municipal Board. Municipalities must not be subject to on-going lengthy and costly legal challenges to justify the requirement for affordable housing. The need across the Province has been well-documented and recognized (similar to the authority offered under s.99.1 of the Municipal Act and s.111 of the City of Toronto Act concerning the demolition and conversion of residential rental properties); and
- the Province accepting a leadership role in the formulation of any policies, guidelines and monitoring activities related to the initiative. This should be done in consultation with municipalities to ensure that the initiative is designed and delivered in a manner that recognizes and accommodates local interests. This would also involve discussions with other affected stakeholders, such as the development industry and affordable housing organizations, to manage any impact that may result from inclusionary zoning.

Finally, there is the unresolved matter of inclusionary housing as an aspect of conditional zoning. In previous letters, we had suggested that the Ministry pursue this option as one way of securing affordable housing. We would appreciate knowing the status of the of the regulations to implement zoning with conditions, whether for affordable housing or otherwise.

We welcome the opportunity to discuss this matter with you further and to participate in the development of this and other important components of the Affordable Housing Strategy.

Sincerely,



A.L. Georgieff, M.C.I.P., R.P.P.  
Chair  
Regional Planning Commissioners of Ontario

- c: Dana Richardson, Interim Deputy Minister, Ministry of Municipal Affairs and Housing  
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