

NOVÆ RES URBIS

GREATER TORONTO & HAMILTON AREA

2 STAYING OPEN FOR BUSINESS
Aurora Business Continuity Task Force

6 LPATS AND UPDATE ON SCHEDULING LPAT SETTLEMENT HEARINGS

WEDNESDAY,
APRIL 8, 2020

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■ PROVINCE RELEASES FLOOD STRATEGY

MITIGATING RISK

Andrew Reeves

Ontario's provincial government recently released its flooding strategy to better assist homeowners, municipal governments, and the province's conservation authorities in preparing for and minimizing the effects of flood damage.

Released by **Ministry of Natural Resources and Forestry Minister John Yakabuski** and Ontario's Special Advisor on Flooding, **Doug McNeil**, [Protecting People and Property](#) focuses on ways the government can obtain better flood data to ensure a reduction in potential and actual damages to both (as the name of the report suggests) people and property.

"We know that we can't prevent flooding in Ontario – we can only reduce the impacts when it happens," Yakabuski states in the report. "This strategy is designed to help us do just that, by introducing a series of new and enhanced actions that will reduce flood

risks and make our province better prepared for flooding events, better equipped to respond to them, and more capable of recovering from them quickly."

The need for a comprehensive flooding strategy has never been greater. The impacts of extreme weather events brought on by the climate crisis, the significant loss of wetlands throughout southwestern Ontario, and rapidly aging municipal and housing infrastructure have created a perfect storm for flooding, said **Blair Feltmate**, head of the **Intact Centre on Climate Adaptation** at the **University of Waterloo**.

Between 1983 and 2008, insurance companies in Canada paid out between \$250 and \$450 million every year in "catastrophic losses"; since 2009, that figure is close to \$1-billion annually, with two-thirds of the expenses paid out due to flood damage, he told *NRU*. But the costs of flooding are

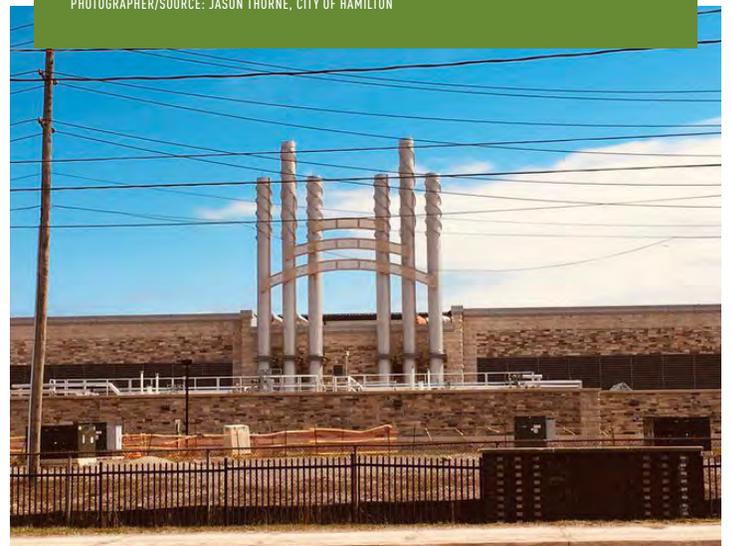
largely felt by homeowners. A typical flooded basement costs approximately \$43,000 to repair, with homeowners on the hook for between \$10,000 and 20,000 of that cost, a sum most homeowners are unable to generate on short notice.

"We do not have the luxury of time to slowly put in place measures to mitigate risk," Feltmate said. "I think the report needed more emphasis on the need to act and to act with haste to mitigate the risk

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Monday morning image tweeted by City of Hamilton manager of planning and economic development Jason Thorne, who wrote: "Don't let anyone ever tell you that engineers can't be creative. Staff at Hamilton Water found a clever way to turn the exhaust stacks at our water treatment plant's new standby power building into our City of Hamilton logo." For those less familiar with the actual logo, please see page 5 where we have reproduced it for ease of reference.

PHOTOGRAPHER/SOURCE: JASON THORNE, CITY OF HAMILTON



UPCOMING DATES

APRIL

- 8 Brampton Committee of Council, 9:30 a.m.
Georgina Council, 9:00 a.m. (CANCELLED)
Hamilton General Issues Committee, 9:30 a.m. (CANCELLED)
Mississauga Council, 9:30 a.m.
Richmond Hill Council, 9:30 a.m.
- 9 Hamilton Design Review Panel, 9:30 a.m. (CANCELLED)
Peel Region Council, 9:30 a.m.
York Region Committee of the Whole, 9:00 a.m.
- 14 Ajax General Government Committee, 1:00 p.m. (CANCELLED)
Aurora Public Planning Committee, 7:00 p.m. (CANCELLED)
Clarington Council, 7:00 p.m.
Newmarket Committee of the Whole, 12:30 p.m. (CANCELLED)
- 15 Brampton Council, 9:30 a.m.
Durham Region Committee of the Whole, 9:30 a.m. (CANCELLED)
Halton Region Council Workshop/Meeting, 9:30 a.m.
Hamilton Council, 5:00 p.m.
Mississauga General Committee, 9:30 a.m.
Vaughan Committee of the Whole, 1:00 p.m. (CANCELLED)
- 20 Brock Committee of the Whole, 9:30 a.m.
Clarington General Government Committee, 9:30 a.m.
King Council/Committee of the Whole, 6:00 p.m. (CANCELLED)
Markham Development Services Committee, 9:30 a.m.



AURORA BUSINESS CONTINUITY TASK FORCE

SEEKING COLLABORATIVE SOLUTIONS



Rob Jowett

The **Town of Aurora** has created a new task force to support local businesses and to facilitate the continuation of housing development to the greatest degree possible during the COVID-19 pandemic. As with all Ontario municipalities, the viability of local businesses is critical to the economic health of the Town of Aurora.

As of 11:59 p.m. on March 24, under the *Emergency Management and Civil Protection Act*, all non-essential workplaces across Ontario have been ordered to shut down indefinitely or where possible, to have employees work from home. Businesses declared to be essential, such as grocery stores and pharmacies are permitted to remain open to the public to allow people to access vital products and services. The Aurora Business Continuity Task Force was announced March 31 to discuss ways the town can directly support local

businesses not deemed by the province to be essential, as they face considerable economic uncertainty.

Comprising town staff and council members, members of the **Aurora Chamber of Commerce, Aurora Business Improvement Area** chair **Joanne Russo, MAGNA** executive vice president and chief human resources officer **Aaron McCarthy, Treasure Hill Corporation** president **Nicholas Fidei, Omars Shoes and Clothing** owner **Raz Khamissa, and Desjardins**

Group government relations manager **Sam Palmerio**, the task force will meet weekly to discuss how best to address the economic impacts of the crisis.

“The thought was [to] bring everyone together, and let’s start to have those conversations about what are the specific issues that... [are] facing our businesses, in our community, specifically,” Aurora mayor **Tom Mrakas** told *NRU*. “It’s a need for us to be proactive and get together and look at all those [resources to] help

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The job of the task force is try to minimize how many how many businesses we lose in our community, because some will be lost forever. The goal of ours is to minimize how many get to that point. We want to make sure that as many as possible, once we get through this, are able to open their doors and able to be successful.

- Tom Mrakas

NRU PUBLISHING STAFF

Ian A.R. Graham, Publisher
iang@nrupublishing.com

Irena Kohn, Editor
irenak@nrupublishing.com

Andrew Reeves, Senior Reporter
andrewr@nrupublishing.com

Rob Jowett
Reporter
robj@nrupublishing.com

Peter Pantalone
Planning Researcher
peterp@nrupublishing.com

Jeff Payette
Design/Layout
jeffp@nrupublishing.com

Samantha Lum
Sales and Circulation
samanthal@nrupublishing.com

NRU PUBLISHING INC

SALES/SUBSCRIPTIONS
circ@nrupublishing.com

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Editorial Office
26 Soho Street, Suite 330
Toronto, ON M5T 1Z7
Tel: 416.260.1304
Fax: 416.979.2707

Billings Department
NRU Publishing Inc.
PO Box 19595 Manulife PO,
Toronto, ON M4W 3T9

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SEEKING COLLABORATIVE SOLUTIONS

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our businesses be able to navigate how to apply for all of those [federal and provincial] subsidies that are going to be available, because it can be very confusing.”

Mrakas says the task force will also help the town to identify areas where it can provide support to businesses directly to fill gaps in the available provincial and federal subsidies and to provide other forms of direct assistance. The federal government is providing a 75 per cent wage subsidy for up to three months to qualifying companies that have lost at least 30 per cent monthly revenue compared to the same time last year, retroactive to March 15, and the provincial government is offering a series of tax deferrals to qualifying companies.

“The one conversation that keeps coming up is... obviously, the rent piece... any type of negotiation between the landlord and tenant,” says Mrakas. “It’s great that [the province] made changes to the fact that no one can be evicted at this time. [Evictions are] basically on hold. But a lot of us feel that that’s just not good enough... there needs to be

something bigger, it needs to be something more concrete for everyone to kind of, grab ahold of and be able to feel comfortable in.”

Mrakas says the task force is currently discussing how best to address the rent issues of businesses that cannot operate right now. He adds that he is trying to speak with some business landlords and set up meetings with tenants to try and keep any businesses from being evicted when the emergency is over, although he says the town has limited tools to be able to force a landlord not to evict a tenant.

The task force is also looking for ways to keep the development approvals process moving as much possible. While construction of non-essential industrial development such as hospitals and new residential projects has been ordered to stop, ongoing residential construction can continue, and Mrakas says it is important for the town to help businesses complete those projects to continue adding to the housing supply and to ensure that the town does not slow down construction work more than is necessary.

“We’re trying to streamline, so we’re doing online inspections,” says Mrakas. “They basically inspect from the pictures. I guess there’s a little bit of trust involved as well... maybe there’s a little bit of understanding between some of the projects and the project managers. Maybe they’re people that the town has worked with before, so there’s a bit of a... comfort level there, that they’re able to trust the fact that the pictures are actual pictures from the site, and not just from something else.”

Mrakas says that while there could be room for “shenanigans” with online inspections rather than in-person ones, he says that there is a need to balance policies and ensuring safety with timely completions of building projects. He adds that staff is still determining how best to conduct online inspections in such a way as to be able to achieve that balance.

Right now, the task force is trying to get a better understanding of what businesses are experiencing and what their major concerns are, Aurora economic development officer **Nick Kazakoff** told *NRU*. He says the Chamber of Commerce is beginning a survey to gather more information from local businesses and find the most effective ways to support them. He says the retail sector has been hit hardest by the shutdown so far.

“We actually created a shop-

from-home... website. And so, that was for all local businesses to provide some details on what [goods and services] they’re providing during the shutdown,” says Kazakoff. “So if they’re providing ecommerce or delivery service, or anything where [customers] are not able to actually come into the store physically, [we can] notify residents that they’re still available.”

The task force has also committed to helping the town prepare for the longer-term economic impacts of the crisis. Many businesses are likely to require significant capital in order to begin working again when non-crisis conditions permit, and some workers who have been laid off or furloughed may have found new jobs in the meantime and may need to be replaced.

“The job of the task force is try to minimize how many how many businesses we lose in our community, because some will be lost forever,” says Mrakas. “The goal of ours is to minimize how many get to that point. We want to make sure that as many as possible, once we get through this, are able to open their doors and able to be successful.” 🌸

MITIGATING RISK

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that's on our doorstep, because the costs associated with flooding right now are going curvilinearly." This urgency, he feels, is missing from the government's strategy, along with practical information for how homeowners or local governments can do their part on the level of individual communities and individual homes.

Homeowners could drastically reduce the resilience of their homes for a few hundred dollars, Feltmate said. Municipalities could use community newspapers or property tax bills to let homeowners know how purchasing basement window covers or how ensuring their basement sump pumps are working effectively can stave off the damages caused by routine floods. This is something local governments can and should be doing across the Greater Toronto and Hamilton Area, he said, given the positive impact resilient homes have on individuals and on communities at large.

There are other actions local governments can take to address flood resiliency at the municipal level. In considering applying a stormwater levy to residential tax bills five years ago, the **City of Mississauga**

acknowledged that despite investments in upgrades and maintenance, their existing stormwater infrastructure was aging rapidly. Beyond pressures likely to mount from the climate crisis, city officials realized a growing population would also demand more from sewers that were incapable of the added volume of sewage and stormwater that the city anticipated.

A stormwater levy was adopted by council in 2015. The 2020 rate will see 80 per cent of Mississauga residents pay \$110 or less for the year, dedicated funds that the city will use to do everything from building and maintaining over 2,100 kilometres of storm sewers to rehabilitating existing stormwater management facilities. Mississauga's manager of environmental services **Lincoln Kan** told *NRU* "the stormwater charge supports the action items of the city's Climate Change Action Plan as a mechanism to enhance resilience to flooding."

As keepers of extensive data on how and where water moves through the province during heavy rains, Ontario's 36 conservation authorities will play an important role in how the government's flooding strategy is implemented.

Yet in recent months, the relationship between the province and its conservation authorities has been strained. Without warning, in August 2019, Premier **Doug Ford** directed all provincial conservation authorities to "wind down" activities falling "outside the scope" of their core mandate, leaving measures like tree planting and water quality monitoring at risk. Conservation authority budgets were cut almost in half. Now, those same organizations are being called upon to provide essential services in the effort to protect people and property from flooding.

Credit Valley Conservation's chief administrative officer, **Deborah Martin-Downs**, told *NRU* the province needed a new flood strategy. "Flood management requires a comprehensive, coordinated approach by many agencies," she said. "It's multi-barrier, from science to planning, and regulations to response and remediation. We welcome the renewed interest by the province in flood management," something she notes that conservation authorities across the province have been pushing the government to act on for months.

Yet for the last two years, Martin-Downs said, "conservation authorities have rarely been meaningfully consulted on the issues." To give the latest flooding strategy teeth, Queen's Park

must detail a funding timeline for the strategy and stick to it. Conservations authorities, meanwhile, must be seen by the province as "implementation partners," Martin-Downs added. "We must be invited to the table in all aspects of flood management."

Director of the **Buoyant Foundation Project** and a professor of architecture at the University of Waterloo, **Elizabeth English** told *NRU* she was "quite distressed" reading the government's flooding strategy given its overwhelming focus on structural changes to modify how water flows, rather than changing attitudes about where we build in the province and making communities and homes more resilient.

"The policies they're exploring, besides flood mapping and preparation, [are] to continue to build [physical] barriers [to potential flood waters]," English said. "We can continue to try to build bigger barriers and higher barriers, but if you try to fight Mother Nature, Mother Nature is always going to win in the end."

English's work in Vietnam, in Louisiana, and in Jamaica currently looks at ways of retrofitting existing homes built above crawl spaces to create (as her project name suggests) a buoyant foundation that allows houses to rise with rising flood waters. It's a practice her team is also exploring with First Nations communities in

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MITIGATING RISK

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Canada, where abandoning ancestral homes built on or near a floodplain is not an option.

While the technology underpinning the creation of an amphibious house is in its infancy and is not yet compatible with the typical single-detached homes found throughout southern Ontario (most of which have basements), the goal for municipalities within the GTHA should be stopping the construction of new buildings on floodplains.

“I think the real key is location and zoning and flood mapping,” English said. She’s not suggesting we uproot whole communities, but local governments can prevent future flooding by not building in flood zones. Such efforts are complicated by the pressures many municipalities face to increase their tax base and grow their populations, often by allowing development in parts of their community that were avoided for years because of their susceptibility to flooding. “But it’s coming back to bite us now,” she said. “I’m less interested in exploring how to make new houses that will be resistant when flooding happens than I am in seeing places where flooding is likely

to happen not have housing put in them.”

Deborah De Lange agrees. The sustainability professor with the **Ted Rogers School of Management at Ryerson University** told *NRU* that while provincial flooding strategy is correct in advocating against building homes on floodplains, it stops short of suggesting the government will do anything to keep developers from proposing projects that encroach on high-risk flood zones. “You shouldn’t be allowed to build in these areas, but there’s nothing in this document that suggests that there’s going to be a prohibition on building in flood prone areas,” she said.

It’s important for the province to expand its flood maps, De Lange said, and in time, it will reveal a fuller picture of where we should be allowing new construction and what variety of construction is appropriate. “There’s obviously a gradient,” she said. Some land floods routinely and cannot accommodate any new building, while less at-risk locations could potentially accommodate buildings with smaller footprints density-wise. Alongside more accurate flood maps, a ratings system could be useful, so homeowners have a

better sense of the flood risks associated with where their potential property is located.

Meanwhile, questions persist about how the province aims to pay for the expansion of flood mapping or the increased resiliency of public infrastructure like roads and drainage systems. While the province’s strategy makes it clear that protecting against future flood risks is the responsibility of all levels of government, including homeowners, it notes that the federal government in particular should offer up the necessary funding to make the strategy a reality. According to the strategy, “The goal of this priority is to ensure financial investments to reduce flood risk are strategic and collaborative.”

But this is a government, De Lange said, that while asking Ottawa for money to help implement its flooding strategy,

has also scrapped Ontario’s carbon tax using taxpayer dollars to fight the federal government in court over their imposed price on carbon pollution. “It’s hypocritical,” she said, and it also suggests that ultimately, protecting properties at risk of flooding will be solved by asking taxpayers for more money.

Rather, De Lange believes the government must engage with developers and insurance companies to build a fairer system that is proactive in building and designing durable and insurable homes in safe locations, rather than focusing on building a robust and reactive disaster relief process. “While the document begins speaking as if it’s taking a proactive approach,” she said, “it’s really leaving the productivity burden on those who might be affected.” 🌧️

City of Hamilton logo

SOURCE: CITY OF HAMILTON



Hamilton

LPAT NEWS

PARTIAL SETTLEMENT APPROVED FOR NORTH OAKVILLE SUBDIVISION

In a March 20 decision, LPAT member **John Douglas** allowed an appeal, in part, by **Graydon Banning Limited** (“Mattamy”) against the **Town of Oakville’s** failure to make a decision on its rezoning and draft plan of subdivisions for 1357 Dundas Street West.

Mattamy’s appeal is being dealt with by the Tribunal along with an appeal by **Martillac Estates** for rezoning and draft plan of subdivision for 1359 Dundas Street West. Mattamy proposes 280 single-detached and townhouse dwellings, as well as to designate blocks for employment uses and for future high-density development. Martillac proposes 67 single-detached dwellings, 19 townhouses, and to designate blocks for future residential development. The proposed subdivisions are integrated with one another.

The Tribunal’s decision deals with a partial settlement reached between Mattamy and the other parties to the appeals. Notwithstanding the settlement,

concerns were raised by **Whiteoaks Communications Group Limited** that proposed taller buildings on certain blocks of the Mattamy and Martillac lands could interfere with broadcast transmissions from adjacent Whiteoaks-owned radio towers. Thus, proposed development on the high-density blocks remains contested and did not form part of the settlement.

Planner **Constance Ratelle (Korsiak Urban Planning)** provided evidence on behalf of Mattamy in support of the partial settlement. She testified that the proposal conforms to the North Oakville East Secondary Plan, and places higher densities along the Dundas Street Urban Core, while transitioning to lower densities in the north with townhouses and detached dwellings.

A stream corridor and hydrologic feature within the Mattamy lands will be protected by natural heritage system blocks. Other features of the proposed development include a block for a village square, and a stormwater management pond. A holding symbol will be applied to certain blocks in the site-

specific zoning by-law to restrict development until sufficient water and wastewater servicing allocation capacity has been confirmed by **Halton Region**.

The Tribunal accepted Ratelle’s evidence in support of the partial settlement and allowed the appeals, in part. With respect to the disputed high-density blocks, the appeals remain active and will be subject to a contested hearing scheduled for November 6, 2020, alongside Martillac’s appeals.

Solicitors involved in this decision were **Ira Kagan** and **Kristie Jennings (Kagan Shastri)** representing Martillac Estates Inc., **Scott Snider** and **Jennifer Meader (Turkstra Mazza)** representing Graydon Banning Limited, town solicitor **Jennifer Huctwith** representing the Town of Oakville, **Tom Halinski (Aird & Berlis)** representing Halton Region, **Simon Fung (O’Connor MacLeod Hanna)** representing Halton Region Conservation Authority, and Simon Fung, **Konstantine Stavrakos** and **Rachel McPherson-Duncan** (O’Connor MacLeod Hanna) representing Whiteoaks Communications Group Limited. [See LPAT Case No. [PL170735](#).] 🌱

LPAT to reschedule settlement hearings through teleconference and written submissions on a case-by-case basis

In an update to its March 24 [announcement](#) on suspension of its operations under the *Emergency Management and Civil Protection Act*, the **Local Planning Appeal Tribunal** made the following announcement on its website Friday with respect to settlement hearings:

“Starting April 6, 2020, the Local Planning Appeal Tribunal (LPAT) will schedule settlement hearings through teleconference or written submissions, on a case-by-case basis. Parties interested in settlement hearings must submit a Settlement Request Form demonstrating that there would be no prejudice to any other party if LPAT were to proceed by teleconference or written submissions.

For more information, please email Deputy Registrar, Evelyn Dawes, at LPATRegistrar@ontario.ca.”

For details on what materials to submit, and how and where to submit materials, please visit here on the **Tribunals Ontario** website: <https://elto.gov.on.ca/local-planning-appeal-tribunal-rescheduling-settlement-hearings/>

NRU is monitoring the status of operations at the LPAT and will continue to provide updates to our readers as we become aware of them.

PEOPLE

Hamilton architect **Anthony Butler** has died at 88. Butler was known for the many institutional and residential buildings he designed in the city and for his strong advocacy for heritage conservancy.



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Richard Munroe

Managing Director – Ontario
416-607-4205
richard.munroe@atriummic.com

Bram Rothman

Managing Director – Ontario
416-607-4206
bram.rothman@atriummic.com

Tyler Veres

Assistant Vice President
416-607-4212
tyler.veres@atriummic.com

Kevin Corbett

Assistant Vice President
416-607-4223
kevin.corbett@atriummic.com

Head Office

20 Adelaide Street East, Suite 900
Toronto, Ontario M5C 2T6

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