

Canadian Environmental Law Association  
Citizens Environmental Alliance  
Ecojustice  
Environmental Defence  
North Gwillimbury Forest Alliance  
Northwatch  
Ontario Nature  
Pembina Institute for Appropriate Development

**By email: DCAconsultation@ontario.ca**  
Ministry of Municipal Affairs and Housing  
Municipal Finance Policy Branch  
777 Bay Street, 13<sup>th</sup> Floor, Toronto, ON M5G 2E5

January 10, 2014

**Re: MMAH Development Charges Consultation**  
**Environmental Bill of Rights Registry Number: 012-0281**

In response to the consultation by the province of Ontario with respect to the scope of development charges that municipalities may collect with respect to the costs of new development and growth in their communities<sup>1</sup>, the undersigned organizations collectively make the following submissions.

We submit that development charges can be an effective tool to promote the kind of smart sustainable development we want to see in the province and should not continue to serve as an inducement to sprawl type development<sup>2</sup>. Further, we submit that the costs of growth should be paid by growth. The following statements are supportive of these two principles. Unfortunately the current system of development charges is serving as an inducement to sprawl development. Furthermore, under the current

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<sup>1</sup> MMAH, Development Charges System Review, 2013, <http://www.mah.gov.on.ca/Page10370.aspx>

<sup>2</sup> Priced Out, <http://www.pembina.org/pub/2502>, Burda, Cherise; Live Where You Go, Encouraging Location Efficient Development in Ontario, Burda, Allen, Dunn, Lintner, Zizzo, McClenaghan <http://www.cela.ca/sites/cela.ca/files/live-where-you-go.pdf>; The High Costs of Sprawl, Environmental Defence, <http://environmentaldefence.ca/sprawl-costs>

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system, the costs of growth are being inappropriately placed on other residents and property tax payers who either subsidize these costs or receive reduced service levels as a result. Accordingly, we request that the Province of Ontario:

**1) Amend the *Development Charges Act, 1997* to ensure that Growth pays the full cost of Growth**

We endorse the Municipal Finance Officers' Association position that the province end the 10% mandatory discounts on development charges (*Development Charges Act, 1997*, section 5(1), paragraph 8), that the ineligible services list be abolished (*Development Charges Act, 1997*, section 2(4)) and that historic average method of calculating service levels be updated to reflect future service levels (*Development Charges Act, 1997*, section 5(1), paragraph 4). The undersigned further agree with the MFOA that growth should pay 100% of growth<sup>3</sup>. This should include allowances for costs of increasing services such as libraries and recreation services so as to accommodate the increased populations relying on those services induced by new development.

**2) Incentivize infill and higher density development over Greenfield development**

Ensuring the right kind of development takes place in the right places is key. Use development charges to incentivize infill and higher density development through development charge discounting. Conversely, higher development charges should discourage Greenfield development, as well as development proposed for class one and two agricultural lands, which is more costly to build, service and maintain. This will help to direct development away from prime agricultural lands.

**3) Encourage complete communities that are efficient, sustainable and green**

Use the development charge system to offer incentives to developers who use land efficiently and who build to a higher order green building standard reducing water and waste water, energy, reduces paved surfaces, employs low impact development design to reduce capital costs inputs and related infrastructure costs. These higher order land use standards should include incentives for sustainable land use within the existing urban landscape for urban agriculture and community gardens and for retail space within urban footprints for sale of food, in order to avoid creating new food deserts where people without transportation cannot access food.

**4) Increase transparency in the development charge process**

Knowing what a municipal government charges in their development charges bylaw and how much discounting is allowed is a black box for most citizens in the province. The Government of Ontario should produce a yearly report outlining each municipality's eligible development charge amounts,

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<sup>3</sup> See the recent statement of the Municipal Finance Officers Association on development charges posted at [http://www.municipalinfonet.com/detail\\_news.php?ID=464249&cat=;81](http://www.municipalinfonet.com/detail_news.php?ID=464249&cat=;81).

which they are able to charge under their approved by-law, and compare it to what they are actually choosing to charge. This will bring transparency to the process and highlight where municipal discounting is occurring.

**5) Mandate a new funding mechanism for municipal agricultural and natural heritage land securement programs.**

Allow municipalities to allocate funds from higher development charges on greenfield sites to be used for land securement purposes to ensure the permanent protection of permanent protection of agricultural and natural heritage lands elsewhere in the community. Model such programs after those already underway, such as by way of existing municipal land securement funds (eg. Greenlands Securement Programs in Halton, Peel and York Regions, etc.).

We would be happy to meet with you or your staff to discuss these submissions at your convenience.

Yours very truly,

Theresa A. McClenaghan,



Executive Director and Counsel,  
Canadian Environmental Law Association on behalf of:

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