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ACCESSIBILITY
An Issue for Landlords and Tenants

by Judith Amoils

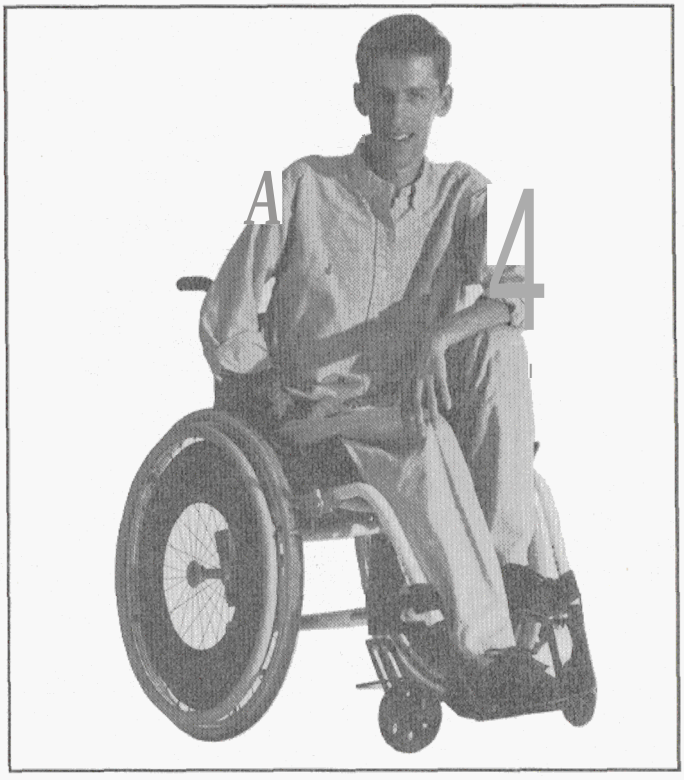
When leasing new locations, the federal government has, for some time, had a policy requiring that its buildings be accessible to the disabled. Lesser known, but more important to many landlords, if a policy that says that where accessibility criteria are not met, the federal government will not renew leases in existing locations beyond March of 1995.

This has an important implication for landlords of commercial space. The federal government is an important and attractive tenant, With the large oversupply of office space in the current market, these tenant needs cannot be ignored. Accessibility is another obsolescence factor for landlords to face.

The policy being applied by the federal government (Treasury Board Manual for Real Property Management, Chapters 1-6) is that government services must be accessible to everyone who needs to use them, including those with disabilities affecting such things as mobility, vision, hearing and cognitive faculties. In addition, as an equal opportunity employer, the federal government must ensure that its workplaces *are* accessible to all current and potential employees.

Meeting the Ontario Building Code requirements for accessibility may not be enough.

Older buildings (pre 1985) frequently do not have entrances, parking, elevators, washrooms or emergency exit facilities accessible to those with disabilities. Buildings built after 1985 in Ontario generally comply with the Ontario Building Code (OBC) requirements for accessibility. However, the federal government applies the Canadian Standards Association standard CAN/CSA-B65 1-M90 "Barrier-Free Design", which is a more rigorous standard than the OBC. The CSA standard was published in 1990.



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There are, therefore, a large number of buildings owned by the private sector, available for lease, that do not comply with the federal government requirements. While many landlords have made attempts to upgrade older buildings and provide designated parking spots and ramps, problems of non-compliance commonly involve elevators, emergency exit facilities in the event of a fire, and washrooms.

Lack of accessibility is a form of discrimination

A decision recently handed down by the Ontario Human Rights Commission also has implications for the leasability of commercial and retail space. The precedent setting "Elliot Decision", dated September 1993, says that businesses, service providers, employers and landlords are required to have facilities that are accessible to persons with disabilities. Failure to comply is a form of discrimination. This has an implication not only for commercial landlords but for their tenants as well.

The case dealt with a complaint by a woman who utilizes a wheelchair for mobility and drives her own specially adapted vehicle. She attempted to gain access to a restaurant in a suburban strip mall, and found there was no designated parking spot for accessibility. She was unable to park her vehicle and, therefore, unable to gain access to the restaurant. The complaint was lodged against the landlord. The landlord attempted to argue that, at the time the plaza was built, it complied with the zoning by-law which did not call for designated parking spots. This defence was not accepted. Since this decision, a number of similar complaints have been lodged with the Ontario Human Rights Commission, and they *are* currently under review.

Commercial tenants are looking for accessibility

Commercial tenants, especially those such as banks and book stores which have multiple locations, need to integrate accessibility requirements into their real estate programs. This might involve, for example, integrating universal design or barrier-free requirements into standard retail store or office layouts. Another example is adding accessibility requirements to existing location selection criteria when leasing space.

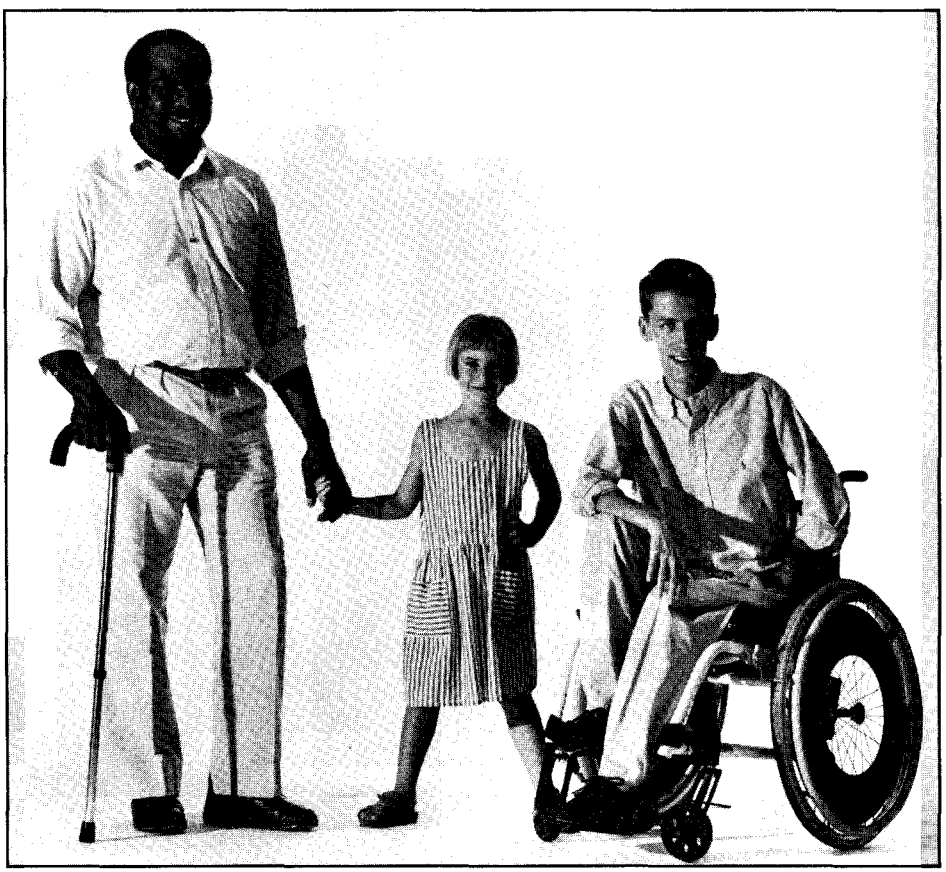


Photo courtesy the Barrier-Free Design Centre, 444 Yonge St., Toronto

Accessibility issues must also be dealt with when retrofitting and renovating older locations.

Retailers whose target market includes seniors have an additional incentive to include universal design or barrier-free features in their store layouts because it increases the "user friendliness" of their facility to the target market. Two examples of this are:

- large print and high contrast signage, for easier use by people with reduced vision, and
- power-assisted doors, which are invaluable to people in wheelchairs, to frail and elderly people using canes or walkers, and also to parents pushing strollers.

Landlords should develop an accessibility retrofit plan

While some accessibility items are reasonably easy to achieve, others are quite complex.

Designated parking spots:
These are wider than conventional parking spots to enable a wheelchair to be wheeled adjacent to the car. The parking spots must be specially designated and located within easy access of the main entrance to the building, preferably without having to cross traffic in order to enter the building. The path of travel between the parking spot and the building must have ramps at curbs and stairs. All doorways must be of sufficient width and entrance doors should have power-assisted operating devices. These requirements are typically not difficult to retrofit in existing buildings.

Elevators:
It can be expensive to bring elevators into compliance. In many existing installations, call buttons have to be lowered so that they are within reach of a person in a wheel chair. Buttons have to have numbers that are raised, to enable blind people to feel them easily. Heat-sensitive buttons are not acceptable, as attempts to feel the numbers will also call for the elevator to stop. An audible signal should be used to announce which floor the elevator has reached.

Washrooms:
These can be difficult to bring into compliance, especially in high-rise buildings. The handicap-accessible stall must have room to turn a wheelchair in a full circle without obstruction from doors, sinks, etc. The toilet and sinks must be installed at the correct height, and grab bars are required. All doorways en route to the washroom must be of sufficient width, and hardware on doors (such as handles and door closers) should comply with accessibility standards. Instead of modifying existing washrooms, separate facilities for wheelchair users can be created; however, they must be within a reasonable distance for people wishing to use them. For example, creating one washroom in the basement to service an entire high rise building is not adequate.

Egress:
Emergency exit requirements can be very problematic. The CSA standard calls for an "area of refuge" adjacent to emergency exit stairs. The OBC does not have this requirement -- and very few buildings comply. The area of refuge consists of a room with walls giving the same minimum fire resistance rating as an exit, and a ventilation system that does not permit the build-up of smoke. The intent is that people in wheelchairs will be able to await assistance in reasonable safety. Consideration should also be given to emergency communication systems within these areas. These requirements have significant implications for landlords. Not only are there construction costs, there is also a loss of rentable area if the floor has more than one tenant on it.

Fire Codes also call for operational steps to be taken in planning for emergency egress for disabled people. This includes things like establishing a "buddy" system for those needing assistance, and providing deaf people with vibrating pagers that activate when the fire alarm system is activated.

Landlords with major portfolios should ensure that their property management functions have a strategy and budget to audit their buildings for accessibility. This should be followed by the development of plans and schedules to implement required upgrades over time.

Judith Amoils is a senior consulting association with the Real Estate Group of Coopers and Lybrand, specializing in corporate real estate consulting, including integrating accessibility requirements into corporate real estate programs.

November 24, 1994

Ellis Galea Kirkland

President
Ontario Association of Architects

Seeking Business Investment for Ontario

Lessons From Hong Kong, Beijing & Mexico

From her extensive experience travelling on trade delegations and overseas projects, Galea Kirkland will address international investment trends, and how government and business can use them to attract more investment at home.

Royal Canadian Military Institute
426 University Avenue, Toronto
Cash Bar — 5:30 Dinner — 6:30
To register, contact the Association office at (416) 340-7818

Other Events

Nov. 23-25

"Is Canada's Engine on Running Empty? An economic forum on the future of the Greater Toronto Area" — Metro Hall

Representatives of the public and private sectors will convene for a forum to discuss major issues in the GTA recovery. OLE members are welcome to attend the November 23 morning roundtable. The final report will be presented to a press conference Friday; sessions will be broadcast on Rogers cable. Contact Sylvia Davis at (416) 922-7345.

Nov **30 - Dec 2**

"Construct Canada" — Metro Toronto Convention Centre

Annual exposition and conference for architects, engineers, contractors, developers, property managers and real estate professionals features 750 exhibits and more than 100 seminars. Contact (416) 869-0141.

Call for Articles

The Land Economist welcomes input from members.
If you have comments, suggestions or would like to prepare an article, please contact:

Rowena Moyes, editor

Updating Municipal Development Standards

Province Releases Guideline

More livable and environmentally friendly communities — and more affordable housing — that is the goal of "Making Choices", a draft guideline on municipal development standards, released by the Ministries of Municipal Affairs and Housing in June.

The guideline offers ideas for municipalities to consider when setting the rules for designing and building streets and locating utility services in new subdivisions and major redevelopments.

"Making Choices" joins a 20-year long list of reports and guidelines proposing alternative development standards. Its proposals will not be mandatory for municipalities. However, the province has included a provision in its new Housing Policy Statement encouraging the use of development standards that facilitate affordable housing and compact urban form. As well, the Ministry of Transportation has modified its Local Road Subsidy Program to allow municipalities to accept "non-standard" rights of way and pavement widths without losing subsidy.

Ministry staff told Council in August that the guideline is part of a broader provincial strategy to facilitate innovative community design. Other initiatives include the Transit-Supportive Land Use Planning Guideline released by the Ministries of Transportation and Municipal Affairs, and the innovative Cornell community being developed on provincially owned lands in the Town of Markham.

Support for Guideline

The concept of alternative development has been supported by the Sewell Commission, the Crombie Commission on the Toronto Waterfront, the Premier's Council on Health, Well-Being and Social Justice, the Urban Development Institute, the Ontario Home Builders' Association and the Regional Municipality of Ottawa-Carleton.

The draft guideline reflects input from an Advisory Committee of engineers, builders, developers, architects, planners and environmentalists, along with representatives of municipalities and provincial ministries. Housing affordability was a key objective, given that alternative standards can reduce the amount of land and capital investment required for residential development. Other objectives were health and safety, neighbourhood livability, operational practicality and environmental sustainability (i.e. reduced amounts of land used for development, lower requirements for infrastructure and non-renewable resources, etc.)

In addition to getting input from the Advisory Committee, the consultants carried out a survey of development standards in places across Ontario and collected information on experience with alternative development standards in other parts of North America.

Proposed Standards

In many cases, existing municipal development standards reflect the values of the 1950s and 1960s, when there was less concern about urban sprawl and its impact on the environment. "Making Choices" makes the case for more compact and diversified communities that resemble the neighbourhoods in the older parts of our cities and towns.

The alternative standards presented in the document include reduced roadway rights-of-way, pavement and boulevard widths; common utility locations and "at source" stormwater management techniques. The old idea of rear lanes gets a fresh look — as a means to facilitate more compact development and avoid the "garage architecture" that has plagued recent developments.

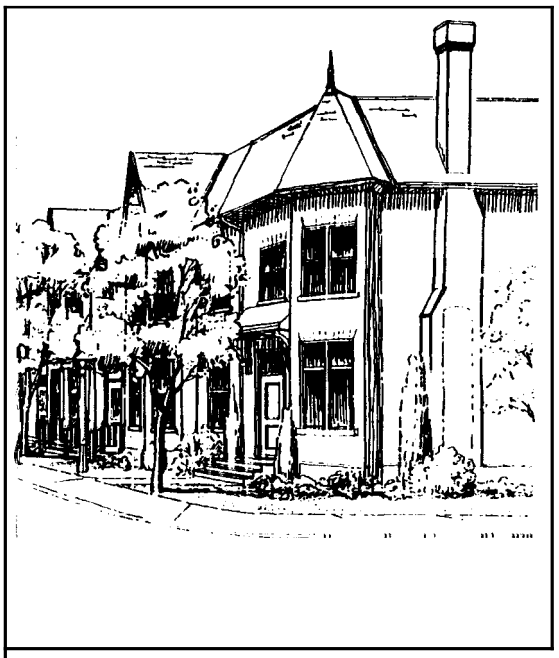
Some specific recommendations include:

- Small scale streets down to a "Mews", with 6.5 m pavement width on 12.5 m right-of-way, combined with rear lane for servicing and parking.
- More traditional streets on 20 m right-of-way, with 8.5 m pavement width.
- Sidewalks in more urban areas located at the curb and 2 m wide; those in less urban areas 1.5 m from the curb and 1.5 m wide. The guideline includes a full discussion of snow clearance.
- Reliance on "traffic calming" design (e.g. narrow streets, smaller front lots and on-street parking) to make drivers want to slow down and be prepared to stop. Less restrictive curb and gutter, turning radii, intersection and cul-de-sac requirements.
- Use of joint utility trenches and, where alternate servicing locations are necessary, of direct buried, non-concrete encased PVC ducts. In future, cables can be pulled through these ducts with minimal disturbance to finished surfaces.
- Consideration of placing gas lines, hydro lines and transformers down the rear lane.
- Locating some services under sidewalks.
- Less restrictive grading standards for roads, sidewalks, lots and swales.
- "Dual" storm and sanitary sewer connections serving two lots.
- Storm sewers engineered for the 2-year design storm, with basement flooding protection for the 100-year design storm. The guideline includes four foundation drainage options.

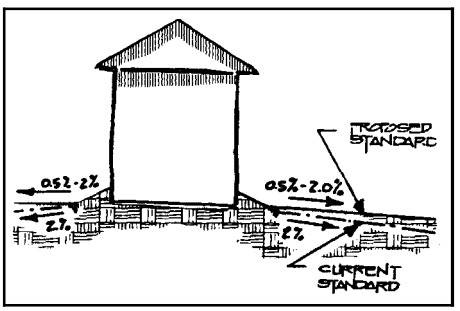
Mews - 12.5 m right-of-way, more urban setting (

Further Comments Sought

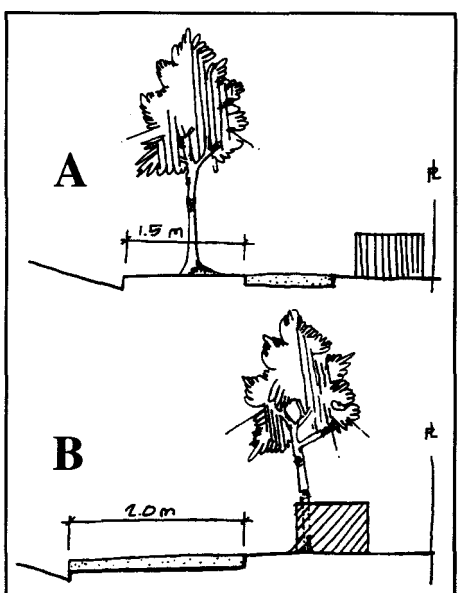
"Making Choices" has been released as a draft in order to secure further input before it is finalized for release early in the new year. Copies can be obtained by calling the Ministry of Housing at (416) 585-6515.



lane required for parking)



Minimum lot and swale grade standards. Current standard - minimum 2%. Proposed - performance based standard combining infiltration and overland drainage (from 0.5% to 2%).



Alternative sidewalk locations
A - less urban settings
B - more urban settings

Opinion

Alternative Development Standards: Cornerstone of cost-effective communities

by ***Allan N.*** *Windrem MCIP, OPPI, CLP, FRI, PLE*

Recent debate in land use planning has centred on design philosophies that propose alternatives to contemporary post-war suburban design. **As** this debate continues, development standards are emerging as a critical factor: appropriate standards are necessary for the provision **of** efficient and cost-effective communities, irrespective of design philosophies.

The province should be commended for its efforts in the production of the draft alternative development standards guideline entitled "Making Choices", which appears to set forth sensible, flexible alternative development standards. Traditional municipal servicing standards can result in excessive consumption of land. They can also conflict with the requirements of other government agencies. Many such standards are no longer compatible with current design philosophies -- especially with provincial land use policies that contemplate sustainable, cost efficient growth. These servicing standards may in future represent an impediment to innovative land use planning and development activities.

This situation is further exacerbated when other government agencies gamer valuable development land from developers, based upon a set of criteria that, in the longer term, may be neither affordable or sustainable. During past decades, the development and servicing of valuable development land has become increasingly encumbered by a myriad of regulations and requirements. These include not only municipal servicing standards, but also such items as park and school sizes and stormwater management facilities.

As end purchasers and municipal politicians who approve ever-tightening budgets are now beginning to realize, the components that create a "level of service" within a community, be they park sizes and school sizes, street widths, use of sidewalks or landscaping, all cost money:

- they utilize lands that could otherwise be developed for housing or commercial uses
- they cost tax dollars to maintain and
- their cost must be factored into the purchase price of the end product

Clearly, implementation of the province's "Making Choices" guideline by individual municipalities, coupled with a coordinated set of land use requirements by other government approval agencies, would help solve this problem. However, it should be remembered that other such guideline reports have been published since the early 1970s without receiving support or implementation by municipalities. Sadly, in certain municipalities, existing standards are strictly enforced, and there is little hope of approving alternatives.

If the standards in "Making Choices" are not embraced by municipalities, the province might be tempted to legislate a set of provide-wide development standards, implemented through regulations. However, a rigid set of standards might not allow for market variations, or encourage the flexibility necessary to permit innovative urban design and development. Voluntary implementation of the province's current proposed guidelines would clearly be preferable.

The province has asked for input on the "Making Choices" guideline. Determining the best new development standards will most certainly require both political will and a cooperative, flexible attitude by the development industry, government agencies, municipalities and, perhaps most importantly, their citizens. For if these new development standards are to provide a "level **of** service" that is truly meaningful, achievable and sustainable, they must not merely address provincial policies and guidelines and meet performance standards **of** municipal by-laws, but surely must also reflect the lifestyle, needs and preferences of those individuals who will call these communities home.

As planning manager at G. M. Semas & Associates Ltd., Allan Windrem undertakes land use planning, project management and environmental assignments for private and public sector clients throughout Ontario.

Public Comments Produce Some Changes To the Planning Amendment Act

The late-summer hearings into Bill 163, An Act to ... amend the Planning Act..., gave the Standing Committee on the Administration of Justice an earful. Groups from across the province presented briefs calling for some significant changes.

And changes are being made. When the committee adjourned on September 29 (it will resume in November), it had dealt with about one third of the 230 amendments proposed by the committee members from all three parties. The only question is: Are the changes enough?

Here are some excerpts from the presentations made to the committee hearings during September. They typify some of the main areas of controversy, and the government's resulting proposals for change (if any).

"Be Consistent With"

Bill 163 would change the standard for compliance with provincial policy. Instead of "having regard to" those policies, the actions of municipalities and the Ministry of Municipal Affairs (MMA) would have to "be consistent with" them.

Terry Mundell
Association of Municipalities of Ontario:
"The policy statements continue to be too directive and prescriptive, focusing on means, not ends. Coupled with the change to the more rigid enabling clause ... municipalities will have limited decision-making authority on the form and nature of development in their communities ... We firmly believe that it's a government intrusion into municipal decision-making ...

"Further ... there are bound to be situations where two or more of the (planning policy) statements apply to a local area, and where it may not be possible to be consistent with all applicable policies. The 'have regard to' status readily acknowledges the need to balance sometimes conflicting policies whereas the 'be consistent with' clause implies that planning decisions must conform with each of the policies."

Jack Winberg
Urban Development Institute:
"The words 'shall have regard to' in Section 3 with regard to properly promulgated policy statements have worked very well ... (for example) No one has any doubts about whether you can build in a wetland ... We never had a policy statement on the environment, we never had a policy statement on natural resources, other than aggregates, and lo and behold, when we come to the time to reform, the system is 'broken' because the policies and the powers that were given to the provincial policy makers ... were never exercised."

GOVERNMENT'S PROPOSED CHANGE:
None. The province considers this wording provides a strong policy framework, with more flexibility than "shall conform to".

Does The Government Have To Comply?

Municipalities, industry and environmentalists all recommended all provincial ministries — not just MMA — be required to "be consistent with" provincial policy statements.

George Penfold
Commissioner, Sewell Commission:
"In our consultations we had a lot of concern from municipalities and interest groups that in fact there were a double set of standards -- that the province could use policies to guide municipal actions but had a fairly free hand in their own planning and development activities to make decisions that, in fact, weren't consistent with policy."

GOVERNMENT'S PROPOSED CHANGE:
(Carried)
Comments, submissions or advice provided by a minister, a ministry, board, commission or agency of the government, or Ontario Hydro, "shall be consistent with" policy statements issued under the Planning Act (but this doesn't restrict the minister from prescribing matters of provincial interest).

GOVERNMENT'S PROPOSED CHANGE: .
Remove the province's ability to declare an interest in matters that are before the OMB. This means Cabinet will no longer be able to review or overturn OMB decisions.

Environmental Protection

Jim Harbell
Canadian Bar Association — Ontario:
"The bill does not address, except in only the weakest and most ambiguous way, the issue of environmental assessment processes and official plan processes ... There have been difficulties in the province where somebody has ... completed the planning process, only to have an objector with a less-than-valid objection start to use the environmental assessment process against them. Now was the opportunity to specifically combine those two to ensure that there was a strong environmental planning mechanism in the province, and that hasn't happened."

GOVERNMENT'S PROPOSED CHANGE:
None. The province plans to use its regulation-making power to help avoid duplication.

Will The System Be Faster?

Ian Rawlings
Ontario Home Builders' Association:
"The theory is that the comprehensive and clearly stated policies will add certainty in decision-making, the decisions will be made within specific time frames and frivolous appeals can be identified and rejected. If it were all so simple!

"... nobody outside the government thinks the policy statements are clearly written or will increase certainty, but we're not here to talk about the policies ...

"To say the least, it was startling to read Bill 163 and learn that the government has decided the public should be involved in all levels of decision-making ... There are no clear benefits of public meetings for plans of subdivision, only costs. The same argument could be made even more emphatically for redline changes.

"... The time frames begin when a 'complete' application (not yet defined) is finally received ... This means that a very substantial portion of the approvals process is not even affected by time frames.

"But the time frames have another problem ... Under the current system, if you think a municipality or a review agency is dragging its feet, you can appeal to the OMB after 30 days. Under the new system, an applicant's hands will be tied for much longer periods of time. The net result of all this is that nothing is being sped up by time frames."

GOVERNMENT'S PROPOSED CHANGE:
The approval authority can waive the notice requirement for changes to conditions on draft plans and consents if it considers them

minor; for other changes to conditions, only the applicant, municipality, the agency requesting the change and "those persons who ask to receive notice of any changes" have to be notified.

GOVERNMENT'S PROPOSED CHANGE:
(Carried)
Council must hold a public meeting within 120 days of receiving a request for official plan amendment (was 180 days); notice of the public meeting must be made within 90 days. If this notice is not given within the allotted time frame, the applicant may request council to send the amendment to the approval authority (i.e. 90 days earlier than originally proposed).

GOVERNMENT'S PROPOSED CHANGE:
(Carried)
The waiting period between the public meeting and adoption of an official plan or amendment would be 14 days (down from the proposed 30).

(An opposition motion to require all commenting agencies to submit notice of objections within **30** days was defeated.)

What Is "Premature"?

Mark Noskiewicz
Canadian Institute of Public Real Estate Companies:
"(In Bill **163)** An approval authority, typically a regional municipality, could refuse a request to refer a proposed official plan amendment to the Ontario Municipal Board if it is of the opinion that the proposed amendment is premature (undefined) ... CIPREC believes that this provision would create a dangerous and in fact draconian opportunity for approval authorities to unilaterally decide that an official plan matter cannot be deal with by the municipal board, and essentially the official plan proposal would be stopped dead in its tracks."

GOVERNMENT'S PROPOSED CHANGE:
(Carried)
Clarify that a matter may be considered premature "because the necessary public water, sewage or road services are not available to service the land covered by the plan (or by-law) and the services will not be available within a reasonable time."

Who Can Appeal Decisions?

Kathleen Cooper
Canadian Environmental Law Association:
'The ability to dismiss referral and appeal requests on the basis of citizens not having made **oral** or written submissions at public meetings we feel is really a denial of basic democratic rights and should come out of there. It does not recognize the problems that people face in their lives in being able to participate in these decisions that affect them in their communities."

GOVERNMENT'S PROPOSED CHANGE:
(Carried)
The approval authority may refuse to refer a matter to the OMB, and the Board may dismiss a matter without a hearing if someone did not make comments at the public meeting or to council and "does not provide a reasonable explanation for having failed to make a submission". (A specific exemption for public bodies has also been removed.)

OMB Appeal On Minor Variances

Kathleen Cooper
Canadian Environmental Law Association:
"People are very concerned about no longer having the ability to appeal minor variances, and the conclusion I've drawn from this is that ... it's a reflection of the provision of minor variances being abused. So don't take away the appeal rights, fix the problem. Put in the definition of minor variances and constrain the ability to use it, and then you won't have as many appeals."

Michael Vaughan
Fraser & Beatty:
"The system works fine now. It's relatively efficient, relatively fair ... basically, a minor variance is to a large extent what the committee of adjustment or the OMB says it is. They have to look at all the circumstances and make a decision. So minor variances can be and often are very important to applicants and very significant, both to those who support them and those who oppose them ... (they) consume only about six per cent of the OMB's time ... changes would generate more cumbersomeness than now exists ... they'll just have to have longer hearings or else go by way of the alterative route which is rezoning ... (It will also) generate an unfairness in the system. To a large extent the OMB is the salvation of the planning system in Ontario. It's not perfect, but it's what keeps us honest and it's what people think keeps us honest."

GOVERNMENT'S PROPOSED CHANGE:
(Carried)
Appeals to the OMB will be restored, subject to the same rights to refuse or dismiss inappropriate appeals as exist for other planning matters.

Controls On Pre-Approval Site Alterations

Peter Robertson
City of Brampton:
"The proposed provisions (in Bill **163)** currently address only the dumping of fill and the alteration of grading of land. In our community, there are examples where developers come in and cut down trees the week before their application is put forward to the city, and there is no recourse ... the closest government to the people is the municipal council. You must trust us if you want to save groves of trees and significant vegetation."

GOVERNMENT'S PROPOSED CHANGE:
Allow municipalities with more than 10,000 population to pass bylaws regulating the cutting of trees, including requiring permits, charging fees, prosecuting offenders and taking remedial action.

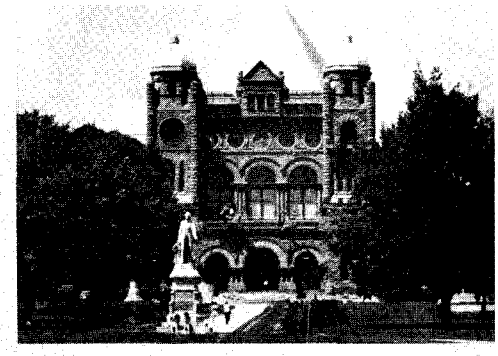
Other proposed amendments include:

- Changing the Environmental Protection Act to allow municipalities to bring in a voluntary municipal inspection program for septic tanks.
- Requiring the minister to review provincial policy statements at least once every five years.
- Providing that approved Official Plans and amendments will be deemed consistent with provincial policy statements (consistency will have to be considered during the regular five-year review).
- Increasing the minimum period an approval authority can demand draft plan approvals be acted upon to three years from the proposed two.
- Allowing the minister to regulate the ability of municipalities to pass bylaws to reallocate water and sewer capacity for existing draft-approved plans of subdivision that have remained inactive for three years or more:
  - criteria the municipality must meet before passing such a bylaw
  - description of the types of application to which such a bylaw would apply
  - supporting policies that must be in the official plan
  - policies to limit or restrict the manner in which municipalities may exercise the power.

Bill 163 is expected to receive third reading in the Legislature this fall, with the new law taking effect early in 1995.

The Legislative Beat

by Andy Morpurgo, MCIP, PLE



PARKWAY BELT HEARINGS

OLE members in their forties may remember the creation of the Parkway Belt, in July of 1978. It was a strip of land of mixed configuration, from Markham to Hamilton, set aside by the province after a long and painful public exercise. The purpose was to ensure that land for future services, roads, hydro lines, pipelines, etc. would be protected from development.

Well, now it's 1994 and we know our requirements for roads, hydro lines, services, etc. So the question: why not release the surplus land, which has been frozen for 16 years?

The Ministry of Municipal Affairs has responded by appointing four hearing officers. They will conduct public hearings before allowing any decisions on what to do with individual parcels of land in the Parkway Belt. Municipalities, land owners and citizen groups ali have their ideas of what should be done with the land. In many cases, their views differ quite a bit: the hearing officers should settle the disputes. The hearings may go on for a couple of years.

PLANNING CO-ORDINATION

Bill 163, which contains major revisions to the Planning and Development Act, the Planning Act and the Municipal At, had second reading on June 21 and was referred to committee. While that works its way through the Legislature, MMA has set up a group in the provincial policy planning branch, which is working in association with a core team from nine ministries and a larger workshop group representing 22 provincial ministries and agencies.

The group is reviewing planning mechanisms, tools and implementation for a coordinated approach to development.

The Ministry of Municipal Affairs is the "lead" ministry for land use planning and implementing planning reform. However, it remains to be seen how the relationships develop with the Ministries of Environment and Energy, Natural Resources and others: the "one window" approach would certainly be welcomed by developers.

Meanwhile, there is also the Task Force of 15, under the chairmanship of Dale Martin, provincial facilitator in MMA. This task force is composed of five members each from the Association of Municipalities of Ontario, the Ontario Environmental Network and the development industry (Urban Development Institute and Ontario Home Builders' Association). It will continue to exist for a year after the proclamation of Bill 163, to monitor and effect mid-course corrections in Bill 163 applications, if needed.

The Task Force will develop:
1) Guidelines for Provincial Policy Statements
2) Education and training programs as part of the planning process, both for planning content and process

There are also two subcommittees to the Task Force:
a) technical subcommittee
b) rural interests' sub committee

FEES FOR PLANNING APPLICATIONS

Bill 163 has provisions for fees to be paid on application for approval of a plan of subdivision. They are already being applied in a pilot project now. How much would you pay? $1,000 for an Official Plan amendment when referred to the Minister, $2,000 for subdivisions and condos up to 20 units — and up to $6,000 for more than 60 lots or units. Need more info? Phone (416) 585-6050, plans administration branch, MMA.

MEDIATION SERVICE

For more than two years the office of Dale Martin, Provincial Facilitator in MMA, has practiced various dispute resolution techniques in land use planning processes, with a success rate of over 70%. The OMB has mediated more than 110 cases over the past year, with a similar success rate, without need of a hearing.

Now Bill 163 encourages planning authorities to use mediation and conciliation to resolve issues in planning applications. There is some thought of creating an Office of Dispute Resolution.

Meanwhile, Dale Martin's office will provide the service on a trial basis for Nepean, Kitchener and Toronto; after the Council decision, appeals are mediated BEFORE a formal Council resolution.

HALDIMAND-NORFOLK

In 1974, the Regional Municipality of Haldimand-Norfolk was created, replacing the two counties. At the same time, the number of local municipalities was reduced from 28 to six. Total population for the region was 85,000. The area was expected to benefit from significant economic development, but very little has occurred.

On March 10, 1994, a petition signed by more than 9,000 residents was presented to the province, asking to eliminate the regional level of government. Mr. Doug Barnes, director, local policy branch of MMA, was appointed as commissioner to conduct a study.

The review process started with a discussion paper published in June, followed by public meetings and the final report was issued at the end of August. It outlined three options: dissolve the Region; maintain the Region but rationalize services; keep the status quo with improvements by local and regional councils. Deadline for responses was September 16.

DATA BASES

The MMA is working on a pilot land use digital data base for provincial planning review; the experiment focuses on the Greater Toronto Area (GTA) and Cambridge. It is based on public and private co-operation. Access may be on a fee basis.