

Planning & Building Challenges in 2012

2012 brings new challenges for landowners, developers, builders, planners and engineers doing business in Toronto and the Greater Golden Horseshoe:

1. Big Hike in Toronto Fees

Fees for rezoning and minor variance applications will more than double if recommendations of the Budget Committee are passed as expected by City Council in January 2012:

Application	Current Fee	Proposed Fee
Rezoning	\$6,317.86 + fee per sq. m.	\$15,599.72 + fee per sq. m.
S. 37 Agreement	7.5% surcharge on planning fees	\$9,400
Minor Variance, 3 or fewer residential dwellings	\$1,756.65	\$4,500.57

It is possible that Council may reduce or defer the increases. However, I advise applicants to submit complete applications no later than March 30, 2012, before the new fees are proposed to come into effect.

2. Energy and Fire Code Changes

As of January 1, 2012, new housing and other Part 9 residential buildings in Ontario must meet the performance level equal to a rating of 80 or more (EnerGuide), be certified and labeled under the Energy Star, or conform to Supplementary Standard SB-12. Other buildings must conform to Supplementary Standard SB-10 referenced in the Code. An inspection is now required to confirm compliance with building criteria prior to allowing occupancy of small residential buildings. The Fire Code has also been amended to require existing hotel rooms to contain voice communication systems and firefighters' elevators. Builders and hotel operators should consult with legal counsel and other consultants familiar with these regulations

Ron has more than 20 years of experience helping applicants get development approvals. In December 2011, Novae Res Urbis again named his firm, MacDonald Sager Manis, one of the "Top 20 development law firms in Toronto."

3. Tougher Sign By-laws

Toronto recently adopted a comprehensive Sign By-law (Municipal Code Ch. 694). The By-law regulates virtually all signs in the City, ranging from signs on fuel pumps to giant billboards. It generally prohibits new roof signs, and illumination between 11 pm and 7 am except Downtown or along the Gardiner. The Sign By-law regulates signs of various classes (1st party and 3rd party), types (ground, projecting, wall etc.) and modifications to existing signs according to 15 sign districts. Small variances are considered by staff but may be appealed to a sign variance committee, similar to the Committee of Adjustment. Larger changes require an amendment by the Planning & Growth Management Committee, analogous to a rezoning application. The City also imposed a new tax of \$24,000 for all electronic signs. Other GTA municipalities such as Mississauga and Oakville also restrict signs.

4. Return of Toronto's Harmonized Zoning By-law

Following the temporary repeal of the Harmonized Zoning By-law in 2011, applicants must again apply under zoning by-laws of the six former municipalities, including numerous different by-laws in effect in former Scarborough. The Harmonized By-law could be reintroduced at the Planning & Growth Management Committee as early February 2012, but more likely will be considered later in the year. Many landowners see some benefits, at least in principal, with one Zoning By-law. However, others are concerned that it will contain more restrictive height and gross floor area provisions.

The material set out above does not constitute legal advice. If you want advice on making an oral or written presentation to a municipal council, or on an appeal to the OMB, please contact Ron at: rkanter@msmlaw.ca or 416.361.2619