

Emidio - Delegation to Whitby's Committee of the Whole - September 21, 2020

Good evening Mayor Mitchell and members of council. My name is Emidio DiPalo and I am with Infinity Custom Homes. As a custom home builder that builds throughout the region and the immediate past president of the Durham Region Home Builders' Association, I have taken great interest in the Whitby Green Standards.

Unfortunately, I am disappointed both with the final draft of the Standards and the process that staff has undertaken to create them.

My delegation today is going to focus on the issues of affordability and the legality of the Whitby Green Standards.

Throughout the consultation process, staff was asked several times if costing had been done on the Whitby Green Standards and to date, it has not been completed. That means that council being asked to vote on a program with no idea of the financial impact it will have on new homeowners in the Town of Whitby or future maintenance costs implications to the Town of Whitby itself

As a builder, I can tell you two things for certain: 1. That meeting all of the standards will add substantial cost to new homes and 2. We are currently in the midst of an affordability crisis.

It would be incredibly irresponsible for council to mandate increasing the costs of housing at a time when many first time homebuyers are struggling to enter the market. Even those who currently own a home are facing tremendous difficulty in being able to upsize their home as their family grows.

With the current population demographics, the Ontario Home Builders' Association has determined that Ontario needs to build 1 million new homes in the next 10 years to meet demand. With this program, Whitby will be throwing up roadblocks to development and potentially reducing the supply of homes available for sale.

The Whitby Green Standards, as proposed, directly contradicts the main goals of the province's *More Homes, More Choice Act (Bill 108)*, which includes making all housing types more affordable.

The second, and perhaps the most serious flaw with the Whitby Green Standards, is that it is not legal. While I am not a lawyer, the Durham Region Home Builders' Association did consult with Leo Longo, a well respected municipal law attorney with Aird & Berlis and asked for his legal opinion on the standards. That legal opinion has been forwarded to the committee and to council and is very clear that the Town of Whitby cannot legally implement or enforce these standards.

In consultation sessions with Town staff, the Town's own solicitor has stated that he does not disagree with Mr. Longo's legal opinion. With that being said, if council votes in favour of the Whitby Green Standards tonight, you are putting the municipality on very shaky legal grounds and opening up the municipality to potential lawsuits and legal challenges. So how, with a duty to responsibly represent the residents of Whitby, can you vote in favour of a program that your own solicitor has said is not legal or enforceable?

The bottom line is that the Town of Whitby cannot supersede the Ontario Building Code or the Planning Act and that's exactly what these Standards will do.

It is your responsibility as a councillor to vote against the Whitby Green Standards tonight and instead direct staff to work with the building industry to create a voluntary program that will not only be legal but that also addresses the issues of affordability.