



Durham Region Home Builders' Association
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Jade Schofield
Town of Whitby
575 Rossland Road East
Whitby, Ontario L1N 2M8

Re: Whitby Green Standards

The Durham Region Home Builders' Association (DRHBA) proudly represents over 170 member companies and is the voice of the residential construction industry in Durham Region.

Representatives from the Durham Region Home Builders' Association have participated in all of the stakeholder meetings hosted by the Town of Whitby on their proposed sustainable guidelines. On April 15, 2020, the Town of Whitby released documents related to the Whitby Green Standard, which included checklists that provided information on the criteria required to meet the proposed **mandatory** Tier 1. On April 29, a WEBEX stakeholder session took place, where staff and consultants stated that they did not want to discuss the specific criteria contained in the tiers. This is problematic, as the development community has not been given the opportunity to voice their concerns and provide feedback on criteria that the Town of Whitby is planning to make mandatory.

After the April 29th call, DRHBA's government relations committee thoroughly reviewed the criteria required under Tier 1 and have several serious concerns. While the Whitby Sustainable Development Guidelines committee repeatedly stated during the call that all of the items in Tier 1 are already mandatory in the Town of Whitby, this is simply not true. There are, in fact, several items, that are not currently mandatory. The Durham Region Home Builders' Association has serious concerns that without proper consultation with the development community, costing not completed by the committee, and the speed with which the committee is trying to get this approved, that the committee is trying to get their project approved before anyone in the development community can object.

After reviewing the criteria, DRHBA is of the belief that the following items were not previously mandated by the Town of Whitby, but will be mandated if the Whitby Green Standard passes as is. We have also noted items which we are concerned about including in these guidelines.

Site Plan Application Checklist

- ELE1.1 – Affordable Housing

- Affordable housing is currently addressed through the Region's collection of DCs for this mandate.
- Proper affordable housing requires financial incentives from the municipalities to make them viable. Is the Town of Whitby going to be providing any sort of financial incentives?
- SW1.2 - Permeable pavement
 - This is generally resolved through water balance analyses in consultation with conservation staff. Mandating these types of surface treatments is not prudent as ground conditions may have low permeability, and therefore permeable surface treatments would provide zero benefit.
 - By-law 1784 says that products that provide infiltration are **permitted**, not required, as per this guideline.
 - Permeable surface treatments add significant costs to a project.
- TT1.4 - Roundabouts
 - There is currently no requirement for roundabouts in Whitby site plans.
 - Roundabouts are land intensive, and as site plans are generally smaller acreage sites, this new requirement for adding roundabouts would make many, if not all, current site plans applications with the Town unviable.
- TT1.12 and TT1.13 – Bike storage
 - More specifics are needed - is this including townhouses?
 - How have these percentages in the Tier 1 guideline been calculated? What is the rationale for these percentages?
 - Mandating required bike parking and storage will add significant costs to projects.
- ECC 1.2 – Renewable Energy
 - What would be required to determine feasibility?
- ECC1.3 – Passive solar orientation
 - This will be a challenge for planners and their clients.
 - How is "where feasible" determined?
- ECC1.6 and ECC 1.7 – Building Energy Performance
 - Builders are already mandated to build to the building code. Anything over and above the building code is voluntary.
 - Mandating anything over and above a building code, in our view may not be legal.
 - How would this be verified in the field? Are building inspectors going to be providing sign off on these elements? We are of the understanding the Building Officials will not provide any sign off on any items that are above code.
- ECC1.8
 - Providing backup generations for multi-unit buildings is already required. Providing spaces that have heat, cooling, water and power over and above this is redundant.
 - This would require additional area within the building's floor plate and potential losses of units to accommodate this requirement. This once again would add significant costs and potentially make a building unviable.

Draft Plan of Subdivision Checklist

- HH1.1 – Public or Boulevard Trees
 - Soil cells are not currently a Whitby requirement.
- HH1.3 –Parkland
 - Developers are already required to provide 5% for parkland under the planning act. Anything over and above this cannot be mandated as the planning act governs this.
- ELE1.1 – Affordable Housing
 - Affordable housing is currently addressed through the Region’s collection of DCs for this mandate.
 - Proper affordable housing requires financial incentives from the municipalities to make them viable. Is the Town of Whitby going to be providing any sort of financial incentives?
- ELE1.2– Accessible Design
 - Mandating anything over and above the building code would not be appropriate.
 - In all subdivision plans, the grading is what dictates the ability to be able to accommodate accessibility features. In many cases, subdivision plans, especially in infill conditions create grading conditions that cannot be made accessible.
 - Where necessary builders already work with homeowners who may require accessible features to be implemented into their homes at the time of purchase.
- CC1.1 – Public Art
 - We do not believe this is currently a requirement, and should not be made a requirement under these guidelines. Adding costs for public art, which would ultimately be passed onto purchasers, will simply erode affordability.
- LSF1.1 – Local Food Production
 - Requiring these additional spaces in a subdivision would create the loss of land available to a builder. This loss of land would translate into costs that would be passed onto future homeowners, and would substantially increase unaffordability. Residents in low rise subdivisions generally have yards that can be used for their own food production.
- TT1.4 – Traffic Control
 - There is currently no requirement for roundabouts in Whitby.
 - Roundabouts are land intensive, and the loss of land translates to additional costs to purchasers. Once again, we feel this is a direct contribution to unaffordability.

Implementing Tier 1 of the Whitby Green Standard as mandatory directly contradicts the main goals of the province's *More Homes, More Choice Act (Bill 108)*, which include making all housing types more affordable. Since the committee has not completed any costing, they cannot determine the impact on affordability their standards will have. Experts in the development community will tell you that these criteria will add significant cost and have a negative impact on affordability.

As with every industry, in the construction world, time is money. With the mandatory criteria in place, planning applications will have to go through multiple municipal departments before being approved, which will add delays to timelines and ultimately add additional costs to development.

It is the belief of the Durham Region Home Builders' Association that building officials cannot and will not inspect any elements that are above and beyond the Ontario Building Code. By mandating building above code, the Town of Whitby will not be able to properly inspect these homes, and this could open the municipality up to potential lawsuits from homeowners.

The Durham Region Home Builders' Association would like to make it clear that we support building more efficient homes, and we often champion guidelines such as Energy Star® and Net Zero Ready to our builder and developer members. However, we are also of the belief that the Ontario Building Code is the only standard that is mandatory in the province of Ontario.

The Durham Region Home Builders' Association believes that much more consulting with the building and development industry, as well as costing performed by the Town of Whitby, need to be completed before this project moves forward.

The Durham Region Home Builders' Association would be supportive of these measures if they were made voluntary, with the proper financial incentives, but we cannot and will not support any mandatory measures proposed or implemented by the Town of Whitby.

We are available to answer any questions you may have and look forward to further communications with you on this matter.

Sincerely,



Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

cc:
Johnathan Schickedanz, president, DRHBA
Tiago Do Couto, vice-president, DRHBA