



Durham Region Home Builders' Association

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September 3, 2020

Mayor & Members of Council
Town of Whitby
575 Rossland Road East
Whitby, Ontario L1N 2M8

Re: Whitby Green Standard

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.

Today, the Durham Region Home Builders' Association is reaching out to you with grave concerns about the proposed Whitby Green Standards. Representatives from the Association participated in all of the stakeholder meetings hosted by the Town of Whitby regarding the standards. In addition the Association submitted two letters with feedback, on May 11th and May 29th, and have yet to receive a written response to our concerns. We have also participated in virtual meetings with Town staff on June 8th, June 23rd and July 29th, where our concerns were also not addressed.

We understand that climate change is dominating headlines and the public wants action taken to mitigate these environmental changes. However, it is vitally important that any mandated requirements are thoroughly vetted and tested to ensure that there are no unintended consequences.

Currently, the National Building Code (NBC) and Ontario Building Code (OBC) are working towards creating standards that will address climate change and energy efficiency. Through the virtual meetings, we understand that Town staff feel that taking these changes through the proper channels is taking too long and they want to take action now. But there is a reason that change takes time at the national and provincial levels.

It is important to understand that building science has come a long way in the last two decades, and homes are now built as a system. Changing one part of a house could have a drastic impact on another part of the house. There are code committees at both the provincial and federal level that are reviewing and assessing new technologies and methods of building. They are working with builders to test out new products and building methods to ensure that they are safe, work well within the house system, and will provide a healthy environment for families to live in. Both codes also provide lead time to the building industry to ensure that all parties involved know what's coming and what to expect and

provide the necessary education and training to all builders, trades, consulting professionals and suppliers involved in the building of a house.

Provincial and national codes are in place to ensure that builders across Ontario and Canada are all working from the same playbook, and are using building methods that have been proven to be effective and safe. The building industry is regulated by the codes, and municipal building inspectors have the skills and knowledge necessary to ensure that all of these regulations have been met. When individual municipalities move out of sync with these codes, it creates a patchwork of regulations throughout the province and makes it difficult for developers, builders, professionals and trades to ensure that they are able to meet these standards. Building officials also do not have the ability/authority to properly inspect and sign off on these additional requirements when these fall outside of the codes that the industry is working with.

Items in the Whitby Green Standard also require builders to go above and beyond the Planning Act, such as requiring more than the provincially mandated 5% parkland dedication.

With DRHBA's May 29th letter to council, DRHBA included a legal opinion from Leo Longo, a municipal lawyer with Aird&Berlis (attached). The opinion stated that the Town legally cannot require anything above and beyond the Ontario Building Code and the Planning Act. In the virtual meetings with staff, Whitby Town Solicitor Warren Mar agreed with this opinion. With this in mind, DRHBA is unsure why the Whitby Green Standards would proceed, knowing that it is not legal or enforceable.

The Whitby Green Standards will also add significant cost to new homes in Whitby. At a time where affordability is already in crisis, adding to the cost of a home is not advisable or responsible. With the affordability crisis in play, a higher price point for these homes would make them unattainable for many homebuyers.

At this time, the Durham Region Home Builders' Association emphasizes that it would be irresponsible for council to vote in favour of the Whitby Green Standards. If this proposed standard proceeds as planned, we will also be making a formal request through the clerk's office for a delegation at the September 21st Committee of the Whole meeting.

Should you wish to meet with us to discuss the above, please let us know and we would be happy to arrange a virtual meeting.

Respectfully,



Stacey Hawkins
Executive Officer

Durham Region Home Builders' Association

cc:

Jade Schofield, project manager, sustainability & climate change strategic initiatives, Town of Whitby

Johnathan Schickedanz, president, DRHBA

Tiago Do Couto, vice-president, DRHBA

Michael Collins-Williams, OHBA