

# The Land Economist

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**PHASE ONE OF 'THE ISLES—LES ÎLES': Ottawa and Gatineau.** If Windmill Developments' proposed six-phase project for the old E.B. Eddy / Domtar lands at Chaudière Falls gets approvals this fall, first shovels could be in the ground next year. Phase One has new builds/reuse (deep pink) near Booth St / Rue Eddy. Teal blue shows existing structures to be removed in this phase; purple shows those retained for future phases. See page 4-5 for more details.

ILLUSTRATION: Windmill Developments Group / Perkins + Will

## NEWS BRIEFS

### Ontario's Non-Residential Construction Investment

Nationally, levels of investment in non-residential building construction dropped slightly in the second quarter, Statistics Canada reports. However, Ontario had a small Q1 to Q2 gain, at 1.2% — for a total of \$5 billion.

That was despite decreases in both the industrial and institutional components. Industrial fell 2.1% in the quarter, to \$0.59 billion. Institutional fell 2.3%, to \$1.2 billion — the 10th consecutive quarterly decline in this component. On a year-over-year basis, institutional construction has fallen 14.9%. Fortunately, commercial gained 3.4%, to \$3.1 billion, mostly as a result of gains in offices, retail and wholesale outlets.

Three municipalities led the Q1 to Q2 increases: Kingston's 72.3% increase was primarily related to institutional building, while gains in Ottawa (7.4%) and Toronto (0.7%) were due to commercial and industrial spending.

Other gainers included St. Catharines/Niagara and Barrie. However, London (-16.3%) was held down by the decrease in commercial and institutional spending, while Hamilton (-7.5%) had declines in all three components.

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### Rent Increase

Ontario's annual rent increase guideline for calendar 2015 has been set at 1.6% — double the 0.8% allowed in 2014.

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### Washington leads in green roofs

A recent survey by Green Roofs for Healthy Cities suggests the industry grew by about 10% in 2013 in North America.

For the third straight year, Washington DC was by far the most active region, with close to 2.2 million sq. ft. Chicago and New York were second and third, while Toronto, Montreal and Calgary took 8, 9 and 10.

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### Top Court Rules on Aboriginal Title and Rights

This June, the Supreme Court of Canada decided that the Tsilhqot'in people in Northern BC had established *Aboriginal Title* to claimed settled and hunted lands.

While the concept has been developing for some time, Osler Hoskin and Harcourt LLP said in a recent article that "the Decision is historic because it is the first time that any court has formally declared that Aboriginal title exists to a particular tract of land."

A First Nation which has proved aboriginal title has a broad group right to decide how land is used and to benefit from those uses. The Province may only use land without their consent for projects that it can justify as being in the broader public interest. And it must properly consult, and accommodate band concerns. Where title is claimed but not yet proven, and generally under old Treaties, the Crown only has that 'honour' duty to consult and accommodate.



### Up to \$100 Million for Ontario Place, Ph 1

On July 1, the Province announced its long-term vision for Ontario Place, including new green spaces, water park, year round concerts, culture/discovery/innovation hub, retail, and 'green' pedestrian bridge to Exhibition Place — and no condos. Phase 1's urban park and waterfront trail are due to start in the fall. Environmental assessment, soil remediation and land use plans to follow.



### Quite the Address!

How would you like to live at Number 1 The Thames, in England? Otherwise known at the Grain Tower Battery, this 1855 gun emplacement with several extensions housed 60 troops in WWII, to man three enormous guns on the roof.

Owner, Simon Cooper, wants £500,000. But there is a drawback or two:

- you can only reach it by mud causeway (low tide) or by boat (high tide)
- an airport may go in across from it
- it's definitely a 'handyman special'

Maybe an executive, who would like to commute to London by speedboat?

Get a tour at: [www.bbc.com/news/uk-england-london-28776184](http://www.bbc.com/news/uk-england-london-28776184)

Osler, among others, points out that the sky is not falling. But right after the decision was announced, three BC First Nations took steps based on it: one demanding companies leave their territory, another challenging Ottawa's approval of the Northern Gateway pipeline, and the third claiming title to a now-closed hospital's site in Vancouver.

The Grassy Narrows case, decided two weeks later, was a bit different. The original Treaty, written in 1873, gave the Indians the right to hunt and fish throughout "the tract surrendered", but Canada could take lands "for settlement, mining, lumbering, or other purposes". The SCC affirmed Ontario had taken over Canada's rights and could, therefore, issue a clearcut forestry licence. (But they must meet today's expectations on consultation and accommodation.)

## Got Comments?

**Agree or disagree with any of the items in The Land Economist?**

**Want to add information?**

**Promoting a cause or new idea?**

**Join the discussion!**

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# Janina Milisiewicz

## Canada's First Female Appraiser

by Bonnie Bowerman PLE

### Background

Janina (also known as Jane) started work at 17 as a secretary to the Polish Naval Attaché in England during WWII. She and her husband came to Canada with their two young children in 1950. Fifteen years later, she became the first woman in the country to receive AACI accreditation from the Appraisal Institute of Canada (AIC). In 1974, she was one of the first graduates from York University's Urban Studies BA program. A committed volunteer, she has been active in community and industry organizations, and in 1976 became the first female president of the Association of Ontario Land Economists. Here she shares with us what the early years in the industry were like for a pioneering woman.

### How did you get into real estate appraisal?

Actually, it was quite by accident. In 1958 I happened to walk into the North York Township office when they were looking for a secretary in their new Real Estate department, and I landed the job.

Russ Foster was the AACI there then. I found working with him and coming to understand what he did fascinating. So I started to take night courses in valuation. Russ took the time to show me how to research, do title searches and lay out arguments to support an estimate of value.

The courses were held at the University of Toronto, once a week for two hours. There were wonderful lecturers from the Appraisal Institute.

The late AOLE founder Gerry Young was one of them. And Hud Stewart was another — a lawyer who always provided crystal clear explanations. But he also started each class by saying "Good Evening Gentlemen" ... until I and the other two ladies present protested.

### Was there anyone in that group that served as an inspiration?

The other two women!

### How did the male students react to women in the class?

Generally they were OK. Sometimes, as I am very short, they would just look over the top of my head without actually seeing me. But they took notice when I wrote an essay that AIC published in its Appraisal Institute Magazine.

### Was it difficult for a woman to become an AACI back then?

Oh yes. By 1962, I had met all the requirements. But Dennis Seward, then Chair of the Toronto AIC Chapter, denied my application on the grounds that "women should not be seen climbing fences".

Meanwhile, at the Township I was being paid a secretary's wage for doing an appraiser's work. To make matters worse, Seward became my new boss. So in 1962, I decided to quit.

Luckily one of the Township office's frequent visitors was Cam Milani who owned a land development company. He invited me to take over managing his office. I enjoyed my time appeasing creditors, reducing surplus staff, and suggesting ideas for new developments — but I still wanted to pursue appraisal.

I had to wait three years for the election of a more rational AIC Chairman. Clint McGee (Director of Real Estate at the Ontario Ministry of Transportation) presented me with my diploma in 1965.

With that finally in hand, I got hired by A.E. LePage in its brand new appraisal department, working with Dieter Maschke. He is the one who introduced me to the Association of Ontario Land Economists in 1972. He was one of the original members.

### What were the brightest moments?

At A.E. LePage, I worked on everything from golf courses to old industrial buildings and visited many places in Ontario I'd probably not have seen otherwise. I was making contacts among planners and others in the profession of land — many of whom became good friends. It was great fun. I also had to learn to drive (with great difficulty) when I was forty. Interestingly enough, I found I had to climb very few fences!



Graduating from York University in 1974

### What were the most difficult moments?

On occasion, clients at A.E. LePage would, upon hearing their appraiser was female, refuse to allow me on site — or they'd only talk to the junior who was male. Then there were the tirades from owners of expropriated property, times searching for rural properties with no identifying features, clients who gave us wrong directions ... the ongoing litany.

### Where did you feel you made the most contribution?

In my own work, that was probably at the Ministry of Government Services. I was a review appraiser there from 1975 until I retired in 1987, and I felt I could really see and understand all the variables in the projects.

On broader issues, I was deeply involved in organizations in Toronto's Polish community that had some real impact. I served on the executive of the Toronto Chapter of the AIC, and was actively involved in the Community Planning Association of Canada and its offspring the 'Stratford Conference on Civic Design'. And becoming AOLE's first female President in 1976 was an honour that I hope also contributed to opening doors for other women.

### What about retirement?

I continued teaching for a few years, and do a lot of travelling — I was thrilled to finally get to the Met on a recent COC Opera tour. I also volunteer at the Textile Museum of Canada Library and the Canadian Opera Archive, have hundreds of books on my "to read list", and still attend interesting Association events.

And being able to linger over breakfast after a lifetime of having to rush off is truly delightful.





The project's spectacular site spans the Ottawa River with two islands east of Chaudière Falls dam, and a large Gatineau riverfront.

## 'THE ISLES': Ottawa-Gatineau

It's been an exciting year for Windmill Development Group's proposed \$1 billion *The Isles • Les Îles* project.

- Last summer, the Ottawa-based developer signed a letter of intent to purchase Domtar's former industrial site, and embarked on extensive due diligence and consultation.
- On December 5, the two companies inked their definitive agreement of purchase and sale for the 8.26 hectare Chaudière and Albert Islands holdings in Ottawa and 14 hectares of Gatineau riverfront, conditional on successful rezoning.
- Both cities and the National Capital Commission welcomed the proposal, which aims to "transform derelict and con-

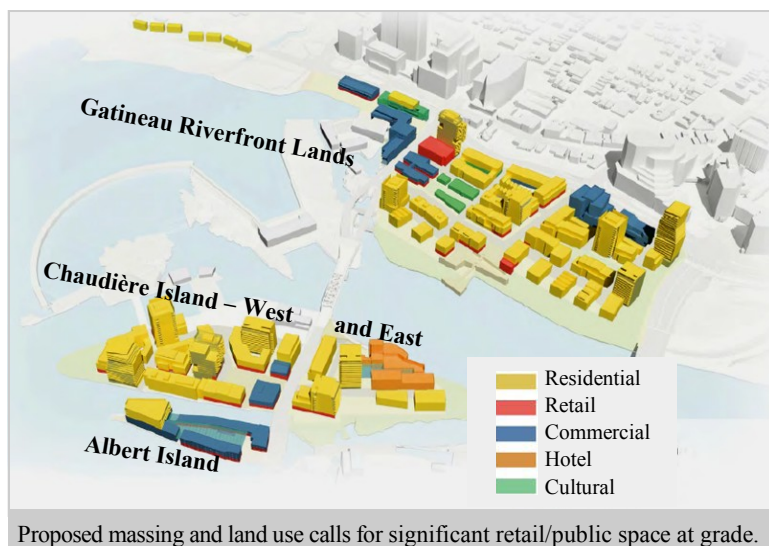
taminated land" into "Canada's most sustainable mixed use community". Ottawa Mayor Jim Watson was quoted as saying the project "will be a catalyst for change along the waterfront" and he wants the city to be "rolling out the red carpet, and not the red tape."

- Applications were submitted to Ottawa and Gatineau on Earth Day – April 22, 2014. They are expected to go to planning committee(s) in the fall.

If the zoning approvals come through quickly enough, "there is potential for a 'sneak peek' marketing push this fall," says Windmill partner Rodney Wilts, and shovels might be in the ground as early as next spring. The goal is to have first residents move in during 2016.

The prominent site next to Chaudière Falls in both downtown cores has cultural significance for Native Peoples, plus a history in logging, pulp and paper. (Domtar closed the last mill in 2007.) Windmill's Master Plan aims to produce a world-class sustainability showpiece, featuring a mix of uses in a compact form, integrating existing heritage resources where possible.

The company reached out to many stakeholders to develop widely supported design principles (see box, page 5). It also tested ongoing iterations of the plan against 'One Planet Communities' design features that help make it easy for people to live an environmentally friendly life: zero carbon and waste; sustainable transport, materials and water; wildlife; culture and heritage; equity and local economy, and health and happiness.



Proposed massing and land use calls for significant retail/public space at grade.



## Some key goals:

- European historic/urban atmosphere, with colourful streetscapes and scenic views welcoming residents and visitors
- Reclaimed river edge, with extensive public gathering spaces, restaurants, and parks along the waterfront and viewing areas at Chaudière Falls
- Residents able to live for one month without leaving a one km radius
- Cohesive network of pedestrian- and cycle-friendly pathways, internal roads, open spaces, new or redesigned bridges and transit, plus electric car charging, and car- and bike-sharing to encourage people out of cars
- Energy performance 30% above Code; water use 60% less than standard; all buildings net zero carbon by 2020

## Development and land uses:

- Six phases, lasting approximately 8-10 years (Ottawa) and 12-15 years (Gatineau) and resulting in approximately 3,500 residential units and 3,000 jobs
- 60% residential (mix of freehold, condo and rental), in mostly low- to mid-rise buildings.
- 40% commercial, retail, community, culture and hotel
- Significant retail, restaurant or public space at grade animating the streetscape
- Point towers (maximum 15 storeys in Ottawa, 24 in Gatineau) carefully sited for permeable skyline and views
- Three innovation zones, providing range of innovative workspaces and social gathering spaces
- Numerous buildings under study for adaptive reuse
- Parking to be provided in basement levels, with ramps from street; minimum on-street parking
- Windmill has asked for Mixed Use Downtown zoning, with some relaxations in parking requirements and in minimum distances between buildings over 10 storeys.

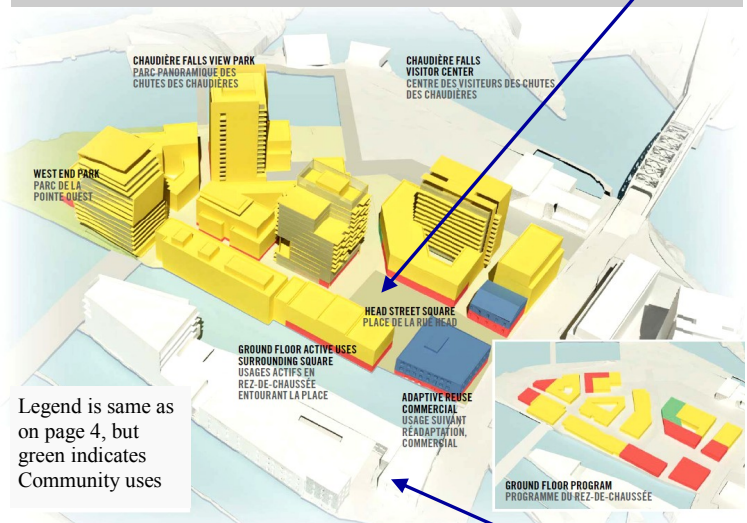
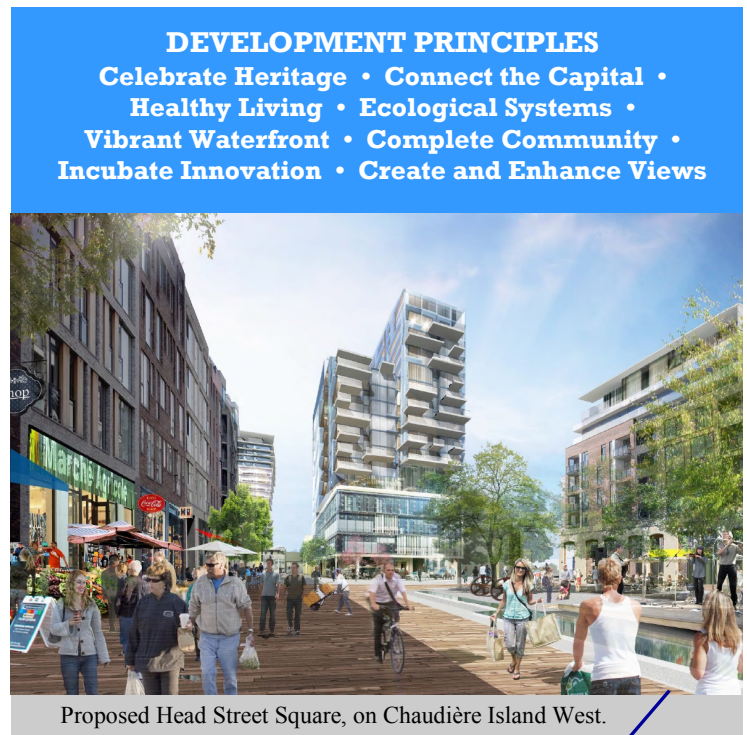
## Services and utilities:

- New pedestrian and bike bridge at west of Albert Island
- Majority of streets designed as 'Woonerfs' for pedestrians and cyclists, but can accommodate low-speed cars.
- On-site stormwater treatment, featuring visible channels with aquatic plants to help filter runoff
- Use of reclaimed heat from nearby Kruger paper and cardboard manufacturing plant
- Removal/treatment of approximately 87,000 cubic metres of contaminated soils and fill

Dream Unlimited Corp., through Dream Asset Management, came on board in the spring, bringing expertise from Toronto's Distillery District and Pan-Am Games Village.

## For More Information:

[www.windmilldevelopments.com/project-portfolio/les-isles](http://www.windmilldevelopments.com/project-portfolio/les-isles)  
(General information and links to applications) **RM**



Phase One adaptive reuse of Albert Island's heritage buildings and glass-covered courtyard, viewed from a more pedestrian and bike-friendly Booth St.







## A Look Behind the Scenes

After enjoying cocktails and networking at Toronto's Shore Club, 24 AOLE members and guests got an exclusive tour of the Luminato Festival Hub construction on June 3. In this star project, Cuban art collective Los Carpinteros created a fantasy Cardboard Beach setting for the main stage/gatherings in David Pecault Square.

Guiding us around the construction site, Luminato Festival CEO Janice Price talked about the history and challenges of this 'creative place making'. The whole festival is "a 10-day explosion of unique artistic expression that you don't see anywhere else," she said.

It produces \$65 million a year in economic impacts. More than a third of the \$11.5 million budget has been coming from government, mostly the province. But that is shrinking, the reserve is almost gone and the Festival is taking steps to increase revenues, while enhancing quality.

"It is our goal to be among the top three arts festivals in the world by our 10th anniversary in 2016," Price said.



*Above: Luminato CEO Janice Price welcomes AOLE to the site beside Metro Hall. Top (left to right) A few of the tour participants; Completed Festival Hub with main stage and 'urban beach' opened three days later. The Festival sold 42,000 tickets. Preliminary figures suggest it ended up with a \$150,000 surplus. At the end of July, the province announced it would provide \$2.5 million for each of the next three years.*

## Toronto adopts Development Permit System

Several law firms are "strongly advising" Toronto landowners and interested parties to participate in any future community consultations on Development Permit Bylaws (DPBs). Otherwise, they may inadvertently lose development rights and property value.

Toronto City Council approved Official Plan Amendment 258 in July enabling use of DPBs. It also identified eight areas that may be appropriate for DPBs

This new system aims to significantly improve predictability and reduce risk in development. DPBs offer an alternative to the current zoning and development approval process — a costly and time-consuming system with unpredictable

results that are often appealed to the Ontario Municipal Board — which has frustrated residents and developers alike.

But the certainty may come at a cost in flexibility, loss of existing site-specific zoning or upzoning potential, loss of minor variance and appeal rights, and uncertain transitional impacts.

A key element in the Development Permit System is moving community and stakeholder participation up to the front of the process. That is where area-wide studies and consultation will establish local massing and heights, open space and services. The resulting DPB will set out approved land uses and minimum and maximum standards, compatibility crite-

ria, conditions of approval and the formula for community benefits (replacing Section 37 agreements). This bylaw can be appealed. Once it is in force, though, third-party appeals wouldn't be allowed.

Complying applications would be approved without extra studies and 'suitability' public consultation. (Applications that don't comply would not be approved.) Applicants would be allowed to appeal conditions. But an appeal based on use, height, density, etc. would require proof of need to reflect change on an area-wide basis.

**For more details:** [www.stikeman.com/cps/rde/xchg/se-en/hs.xml/18526.htm#page=1](http://www.stikeman.com/cps/rde/xchg/se-en/hs.xml/18526.htm#page=1), and [www.weirfoulds.com/files/14004\\_Municipal\\_July2014.pdf](http://www.weirfoulds.com/files/14004_Municipal_July2014.pdf) **RM**



## Annual RICS, AOLE & CIQS Golf Day

Another successful golf tournament was held on Thursday August 1 at Cherry Downs Golf & Country Club in Pickering.

For this third joint tournament, members of the Canadian Institute of Quantity Surveyors joined the Association of Ontario Land Economists & Royal Institution of Chartered Surveyors. Just over 50 members and their guests enjoyed an excellent round of Texas Scramble on a course we haven't tried before but I think we will try again. Everyone was impressed with the course, and club house, as well as the BBQ.

The great thing about Texas Scramble is you don't have to be a good golfer to enjoy. Just pick a couple of partners who can hit the ball far and tag along! As a player who has never hit under 100, I certainly enjoyed finishing at one over par — and my partners did not mind as I did hit a few good putts!

Thanks to Naomi and her opposite numbers at RICS & CIQS for organizing the event.

*Michael Cane*

## Welcome New Members!

**Matthew Bennett**, MCIP, RPP, PLE  
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## THE LEGISLATIVE BEAT . . . cont from page 8

about 88 per cent of the investment risk, with Ottawa covering the remaining 12 per cent. A preferred share in order to maximize GDP and overall government revenues would be 61 / 39.

Thus, Ontario will be in a predicament, in that it must continue to invest in infrastructure but the additional revenue generated from the greater economic growth may be insufficient to cover costs under the current risk/reward profile.

At an interprovincial infrastructure forum on August 6, Premier Wynne made headlines by calling for the federal government to increase its investment level to two per cent of GDP, on an ongoing basis.

### FUEL TAXES AND FUTURE REVENUES

In June, RCCAO released *Taxing Motor Gas and Diesel Fuel in the GTHA: Will*

*This Generate Sufficient Revenue?* This report points out that a range of factors will lead to declining fuel tax revenues over the next decade or two due to trends such as:

- more fuel efficient vehicles
- an increasing reliance on electric and hybrid vehicles, and
- people simply driving less.

While fuel tax revenues have helped municipalities fund many infrastructure needs, these revenues have not increased in 20-years, and will have to be supplemented by other revenue sources such as parking and road pricing

In a letter to all MPPs, RCCAO has pointed out that the Ministry of Transportation will be expanding High Occupancy Vehicle (HOV) lanes across the GTHA in time for the 2015 Pan Am / Parapan Am Games. RCCAO has sug-

gested that the expanded HOV network be kept in place following the Games and that High Occupancy Toll (HOT) lanes be tested (non-gantry, and with a limited number of participants).

In this way, HOV/HOT would operate in the same lane but there would likely have to be a shift so that car poolers would have a driver and at least two passengers for the pilot project to be successful in terms of maintaining free flow of traffic.

Based on experience in other jurisdictions, HOT lanes would not result in major revenue gains (such as Highway 407 provides). However, the congestion management benefits would provide an economic boost to the region and the province.

*Andy Manahan is Executive Director of the Residential and Civil Construction Alliance of Ontario, a member of AOLE's Board of Directors, and its Legislative Chair.*





# The Legislative Beat

By Andy Manahan, PLE

## ELECTION RESULTS

On June 12<sup>th</sup>, Premier Kathleen Wynne and the Liberals were able to form a majority government with a total of 58 seats in the 107-seat legislature. The Progressive Conservatives shrank to 28 seats, resulting in Tim Hudak having to step down as PC leader. To many, this was an unexpected result: polls had showed either a much closer outcome or a different one altogether.

Andrea Horwath, who triggered the election by having her New Democratic Party caucus vote against the May 1<sup>st</sup> Budget, had a mixed result which was not helped by dissent within the ranks about what the party actually stood for. Although the NDP finished with the same seat count at 21, the party will not wield the same power it had since October 2011, in terms of influencing government policy.

## STRATEGIC VOTING?

Clearly, the PC's austerity agenda, which included cutting 100,000 broader public sector jobs, resulted in angst among a swath of voters. In addition to presenting a more optimistic economic stimulus platform, the Liberals used this issue as a wedge by pointing out that a vote for Horwath would in effect enhance the electoral chances for the PCs.

## BUDGET

An advantage of a majority is that the government is not as encumbered by the opposition and can proceed to pass bills as it sees fit. First and foremost, the Budget was reintroduced on July 14<sup>th</sup> in

an almost 'as-is' format, with Finance Minister Charles Sousa's opening line "As I was saying" providing some levity.

Following the election win, the Premier acknowledged that "there are challenges ahead", and the new Cabinet certainly reflects this reality. For example, the appointment of former Health minister Deb Matthews to the new position of President of the Treasury Board signifies the importance of fiscal restraint. This role will require vigilance in keeping ministries to allocated funding envelopes. Modernizing government operations will also be important to deriving efficiencies.

In terms of collective bargaining, this line in the Budget is significant: "Any modest wage increases that are negotiated must be absorbed by employers within available funding and within Ontario's existing fiscal plan through efficiency and productivity gains or other tradeoffs so that service levels continue to meet public needs."

Even though the government plans to eliminate the deficit by 2017-2018, the current deficit of \$11.3 B is projected to increase to \$12.5 B for this fiscal year (2014-2015). To raise revenues this year by \$1.1 B, Sousa will increase taxes on high income earners and aviation fuel, but the big boost could come from "asset recycling", or selling government assets and turning the proceeds over to infrastructure, for example.

Key initiatives included in the Budget are:

- an Ontario Retirement Pension Plan (ORPP) which is intended to provide higher retirement income for Ontarians who do not participate in a workplace pension plan and rely on Canada Pension Plan, Old Age Security and personal savings

- public infrastructure investments of \$130 B over the next 10 years
- a new \$2.5 B Jobs and Prosperity Fund, which is intended to provide strategic incentives to secure investment in Ontario

The Budget Bill passed on July 23<sup>rd</sup> by a vote of 56 to 37.

## NEW MINISTRIES

Of a number of new portfolios or merged ministries, here are four noteworthy ones:

- creation of two associate ministers for Finance (ORPP) and for Health (Long-Term Care & Wellness) being led by Mitzie Hunter and Dipika Damerla, respectively
- specific addition of Climate Change to the Ministry of the Environment, with Glen Murray at the helm
- appointment of Brad Duguid, who had the Energy & Infrastructure portfolio a few years ago, to head the Ministry of Economic Development, Employment & Infrastructure

## SHARING RISK IN INFRASTRUCTURE INVESTMENT

In July, the Residential and Civil Construction Alliance of Ontario (RCCAO) released *Ontario Infrastructure Investment: Federal and Provincial Risks & Rewards*. This report assesses the current apportionment of risks and returns between Ottawa, Queen's Park and local municipalities.

The bottom line: the federal government is benefitting disproportionately based on its current level of investment, which is only 0.37 per cent of Gross Domestic Product (GDP). Collectively, the province and municipalities within Ontario are making infrastructure investments of 2.8 per cent of GDP. Combinatorial analysis shows that the federal government could move to a two per cent level (representing \$7.2 B per year) and still enjoy the surpluses that accrue from these investments.

To put it another way, Ontario's municipalities and the province are covering

*Continued on page 7*