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ASSOCIATION OF ONTARIO LAND **ECONOMISTS**

Coordinated Review

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Some of Canada's Parapan Am athletes, coaches and mission team, tour the 2015 Athletes' Village. During the Games, the Village welcomed about 600 wheelchair users. Facilities comply with the Accessibility for Ontarians Act (AODA), International Paralympic Committee Standards, and international best practices. Legacy: 270 adapted and accessible units.

PHOTO Courtesy Canadian Paralympic Committee ; Photographer: Adam Pulicicchio

NEWS BRIEFS

'REPLACEMENT' INCLUDES CODE UPDATES: COURT

In August, Canadian Underwriter magazine reported that an Ontario Superior Court Judge had just ruled that insurers Allstate must pay a homeowner for repairs and/or increased costs associated with *Building Code* upgrades after his home was destroyed by fire.

The policy had an exclusion for "losses or increased costs of repair or cost of improving or upgrading dwellings or structures due to the operation of any by-law regulating the zoning, demolition, repair or construction of buildings and their related services. However, even though the City of Ottawa adopted the provincial building code in its by-laws, the judge said, the exclusion only addressed bylaws - not laws, acts or regulations.

See www.canadianunderwriter.ca/ news/ontario-judge-rules-building-code -different-from-by-law-in-homeinsurance-exclusion/1003771396/

EUROPE'S COMMERCIAL REAL ESTATE DEALS TO REACH €230 BILLION FOR 2015: SAVILLS

In its Q2 European Investment Briefing released in August, real estate service provider Savills says that investment in the first half of 2015 reached almost €102.5 billion. That's up 25% over H1 2014, and the highest first half since 2007.

Overall volumes in beleaguered Greece, which skyrocketed to more than $\in 8$ billion in 2014, are expected to plunge back to about $\in 1.2$ billion. But the damage appears contained: Savills' forecasts for total 2015 investment in the 15 other countries add up to $\in 230$ billion.

Core markets (UK, Germany and France) continue to account for 2/3 of the market. However, the share of peripheral countries is rising, spurred by strong interest from US investors, and rising interest from Asian. With prices and interest both rising, the average prime CBD office yield has dropped to 4.6%, down from the previous 10-year low of 4.7% in 2007, Savills said.

See news item and downloadable report at http://www.savills.co.uk/_news/article/110559/191447-0/08/2015/european-investment-activity-surpasses -2007-levels



'PROGRESS' v. 'PROTECTION' SPLITS MEAFORD

A proposed development for Meaford's historic core overcame a hurdle this summer when the town passed Official Plan and Zoning bylaw amendments to increase allowable building heights. The maximum permitted before these amendments was four storeys (with the fourth set back from the street), and the actual built form is mostly two-and three-storeys. The proposed development at 35 to 47 Sykes St.N would have five storeys, with 638 m² of commercial space and 52 condominium units. It would also have underground parking linking to another proposed building on the adjacent street with 600 m² of commercial space and 45 condominium units. Two historic buildings would be demolished

The controversy opens up important issues faced in many areas. Proponents have pointed to the need for new investment and residential density to keep the core from dying, and the lack of alternate proposals to repair and renew its historic buildings. Opponents have claimed the amendments make a mockery of the Town's heritage policies, and will pave the way for demolition of its historic 19th century core, and that the massing overwhelms the existing scale. Heritage Meaford has appealed the decision to the Ontario Municipal Board.

For more information check www.meaford.ca, www.themeafordindependent.ca or www.owensoundsuntimes.com..



RISING SEA LEVELS TO CAUSE RISING INSURANCE RISK

U.S. management firm RMS has analysed the annual risk of major economic loss of at least US\$15 billion caused y from wind-driven flooding in six coastal cities. Here are the results. Note: New Orleans faces a double whammy as the land is sinking even faster than the sea levels are rising. Its significant investments in flood defences since Katrina have put it in a stronger position. Even so, RMS cautions that the future risk figures shown for that city assume that flood defences are raised in step with water levels.

CHANCE OF ECONOMIC LOSSES OF AT LEAST US\$15 BILLION FROM STORM SURGE IN A GIVEN YEAR

	Current	2030	2070	2100
Baltimore	Slimmer than 1 in 1 million			
Boston	Slimmer than 1 in 1 million			
Miami	1 in 125	1 in 90	1 in 45	1 in 30
New Orleans*	1 in 440	1 in 380	1 in 345	1 in 315
New York	1 in 200	1 in 130	1 in 75	1 in 45
Tampa	1 in 80	1 in 65	1 in 45	1 in 30

Source: Risk Management Solutions 2015, Canadian Underwriter

Navigating Toronto's New Zoning Bylaw

After its initial attempt at updating and harmonizing zoning bylaws across Toronto produced a huge number of appeals, the City took a new tack in 2011. Rather than fight at the Ontario Municipal Board, it repealed the bylaw and directed staff to come up with something much more straightforward and understandable.



The resulting Zoning bylaw 569-2013 was adopted two years ago, Ian Graham told people at the Association of Ontario Land Economists' May dinner meeting. "The intention was not to create new requirements, but to harmonize the existing ones in simple language and format that the public, developers, politicians and staff could navigate."

As the former Acting Project Manager with Toronto's City Planning Division, a current director of R.E. Millward + Associates and publisher/owner of NRU Publishing, Graham has had a front row seat through the process. Of course, working with all the different players has been complex, but the new bylaw itself appears more intuitive.

The structure is quite different, with 26 Chapters so far and lots of room to address new issues as necessary.

Chapter 1 Administration

Chapter 2 Compliance with this By-law Chapter 5 Regulations Applying to all Zones

Chapters 10-100 Zone Categories

Chapters 200-230 Parking, Loading, Bicycling Parking

Chapters 280-500 Districts
Chapter 600 Overlay Zones
Chapter 800 Definitions

Chapter 900 Site Specific Exceptions

Chapters 900-995 Zoning By-law Map and Overlay Maps

Fewer words need defining, and usage matches that in the Official Plan. The Bylaw establishes slightly fewer zones, with logical naming: "For example, instead of the old R1 for residential-detached, that is now RD," Graham says. RS allows semis, RT is for townhouses and RM for multiples. A new Commercial Local Zone (CL) identifies small commercial-only lands in Neighbourhood Areas. A new Residential Apartment Commercial (RAC) zone has been created to permit local institutions and small-scale commercial as well as housing.

Illustrations help to explain concepts. In the slide at top right, for example, the second Zoning Label spells out that the land can be used for Commercial Residential use; the maximum floor space index (FSI) is 3.0 times lot area, of which commercial can't go over 1.5, while residential can't go over 2.5; plus Development Standard Set 2 (of 1, 2 or 3) applies. SS1 reflects downtown Toronto, SS2 is for Main Streets and SS3 would apply to suburban mixed use. The slide below explains the difference between FSI and Lot Coverage.

Four overlay maps geographically show where certain requirements apply. Holes are left for areas where other area- or site-specific bylaws are in force.

The electronic format seems to be popular. "People prefer being able to access it online, and having it updated online," Graham says.

The new Bylaw attracted 326 appeals (fewer than the Bylaw that was repealed in 2011). It has had 43 amendments - 41 enacted, one repealed and one under appeal. OMB decisions are still pending.

Commercial Local, Commercial Residential, and Commercial Residential Employment Zone Label Examples

CL 0.5 (x123)

CR 3.0 (c1.5; r2.5) SS2 (x123)

CRE (x123)

Max FSI of residential

Max FSI of res

World First: Court Says Netherlands has 'Duty of Care' on Climate Change

In June, a court in The Hague told the Dutch government it must toughen its climate change policies.

Ruling on a class action suit brought by Urgenda on behalf of almost 900 people, the court ruled the Netherlands must reduce its greenhouse gas emissions (GHGs) by 2020, to at least 25% below 1990 levels. This is significantly below the current 17% goal. However, the judge said, given the serious consequences of GHGs, the Netherlands has a *duty of care* to the public to meet standards such as those set by the International Panel on Climate Change. In early September, the government appealed the decision.

Although the laws are different there, this decision may spur legal actions elsewhere. Canada's GHG targets are said to be an *increase* over 1990 levels, and we are not even meeting those. See http://www.urgenda.nl/en/climate-case/ and/or http://www.ecojustice.ca/what-the-dutch-climate-court-win-means-for-canada/



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From Athletes' Village to Community

When the Canary District is handed back to the Dundee Kilmer Developments consortium (DK), there will be only a few months of work left to do. Then, residents and retailers will start to move in to the award-winning project and turn it into the vibrant and sustainable new community in Toronto's "downtown east" that it has been fully planned to be.

For the past seven months, the area running east from Cherry Street to Corktown Common Park, and south from King Street to the railway lines has been the heart of the Pan/Parapan Am Games' Athletes' Village.



By Sept 7, the huge canvas-covered Welcome Centre on Trinity St was just a steel skeleton.

The Games bid focused attention on this part of Waterfront Toronto's huge redevelopment lands. It was a lucky mix of opportunity and timing.

There was already a fully developed Precinct Plan for the larger West Don Lands (WDL) area in 2006, and first projects - River City 1 and an affordable housing building - were under development. When the Pan/Parapan Am possibility came up in 2009, the Province suggested WDL's next phase be moved up about five years so the Games could use its substantially completed buildings ahead of their final

sale, and erect temporary structures on adjacent vacant sites.

That 'overlay' of short term Games use took place this summer – to great acclaim for Team Canada, TO 2015 and the Canary District itself. Now, the vision, plans and final completion for the mixed use community can get back on track.

"Toronto 2015 is decommissioning all the temporary structures they brought on board (for the Pan/ Parapan Am Athletes' Village) and removing furnishings, supplies and equipment now," DK President Jason Lester told AOLE in an early-September interview. "By the end of the month, we will have access to 100% of the site again."

Then, finishing will go into high gear. DK has a March 31, 2016 deadline for completing the "third party" buildings so their purchase agreements with the Province can be finalized, and DK can take ownership of its condo lands as well.

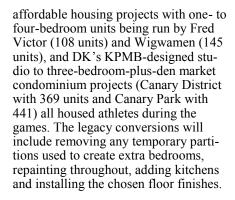
For the MJM-designed Cooper Koo Family YMCA, "the bulk of the work is done already," Lester said. In the original program, the polyclinic was to go into that building, but it was housed in temporary trailers near the games tent instead, so there is much less work.

On the buildings' ground floors, 40,000 square feet of retail space owned by DK were temporarily divided into Games' offices/lounges. They will be refitted for mostly health and wellness tenants.

The architectsAlliance-designed George Brown residence (250 two-bedroom units), the Daoust-Lestage-designed



(Above) For the Games, suites were only partially finished. For example, there were no kitchens - temporary partitions were used to create an additional bedroom in that space. (Right) Artist's rendering of a Canary Park suite shows final hardwood and kitchen.



One potential issue was the lack of exterior man and material hoists, Lester said. "But our construction partners - the EllisDon/Ledcor joint venture - created a detailed schedule for co-ordinating all the work using the elevators".

Waterfront Toronto's vice president of development, Meg Davis, said there is very little conversion required for the public realm. Corktown Common park reopened almost immediately, and roads are going through the City's normal acceptance process. DK is putting a high priority on completion of a street-car loop, Davis said, so TTC cars can run down Cherry Street to Mill, to serve the Canary and Distillery Districts.

Occupancies start next April

The Canary District condominiums, which include two mid-rise towers and two five-storey wings, are 90% sold. The Canary Park condominiums, two mid-rise towers next to Corktown Common park, are approaching 75% sold. All come with the normal Tarion warranty coverage. Lester expects buyers to move in during April to July, 2016.

Angus Palmer, executive director of Wigwamen, and Mark Aston, executive



director of Fred Victor, both expect tenants to be moving in during April/May. There is no shortage of applications. Wigwamen has 560+ applications for its 145 units, for example.

Gerard Hayes, director of student experience at George Brown, says their big promotion efforts begin in October, but there is already a lot of excitement. Occupancy is scheduled for August 2016, for the 2016-17 school year and "we will hold some units for current students."

With virtually all of the common areas, landscaping and public realm already finished, Lester says, "even the first few people moving in won't feel like they are in the middle of a construction site."

Future Plans

Under its agreement, DK has rights to three more parcels along Front Street. They are starting to look at design possibilities and would probably begin with the parcel between Wigwamen and Canary Park, Lester said. Marketing could begin in the spring of 2017. And if a school can be built soon, "we could market directly to young families here and south of Mill Street."

Waterfront Toronto's Davis says that group will probably focus on the block on the south side of Mill Street before developing the part of WDL west of Cherry. "We'd like to do market soundings and design exercises with the Ministry of Economic Development and Infrastructure - ideally with a Request for Qualifications issued next year."

With its careful planning, high quality, good design, inclusiveness, accessibility, great public spaces and park, and LEED Gold practical sustainability, the West Don Lands could become the heart of downtown east.

GAMES OVERLAY LOGISTICS

The Pan/|Parapan Games 'Overlay' of short termporary structures, equipment, furnishings, supplies, and services is what Liza Stiff has been overseeing. Toronto 2015's senior manager, overlay design and delivery, she gave some insights into what was brought in over the four months before the Games, and is being taken out in the six weeks after:

- a 40m x 40m rented canvas-covered Welcome Centre, west of Cherry Street, with security, check-in, accreditation, offices, baggage scanners, etc.
- a 100m x 40m 24-rented Great Dining Hall, with polyvinyl walls and canvas roof, HVAC, power, water and four plumbed-in toilet trailers.
- Tables, seating, open food grills and salad bars for the 24-hour-service dining hall, plus the kitchens, which came from the UK in 9 shipping containers.
- Single and bunk beds for more than 7,000, chairs, sofas, TVs, computers, and other equipment in the apartments, lounges, offices, short term retail, polyclinic, games tent, etc. (some of this was rented; some was bought and then was donated, sold or auctioned off after the games).
- All delivery and removal trucks had to go through 1 of 2 security gates.

Stiff said the decommissioning should be finished before the Sep 30 deadline.

There has been very little damage. "We will have to repair small things like the tent peg holes in the asphalt."

But in the apartments, there were no kitchens or finished floors to worry about. "And the groups coming through were really impressed."



Aga Khan Museum celebrates light & symmetry



The Aga Khan Museum and Park near the Don Valley Parkway in Toronto attracts lots of interest. In fact, so many people signed up for the AOLE's private tour on July 30 that we had to run two groups. Here are some highlights:

etched with the outlin mashrabiya pattern of opposite on the other photo to see five different as the sunlight reflect through the glass.) The

Aga Khan Museum

- Tours led by Museum Volunteers
 Khatoon Lalani and Mohamed Rahim,
 with Po Ma, Project Director, Moriyama
 and Teshima (architects of record for the whole complex).
- Design architect: Fumihiko Maki, Japan
- Opened to the public September 28, 2014
- Dedicated to the preservation and presentation of Muslim arts and culture.

Clad in gleaming white Brazilian granite, this unique Museum commands attention from several miles away. Exterior walls are angled to create a luminescent effect, and strong lines of light and shadow. Its 17-acre Park adds to the sense of quiet peacefulness (*Photo 2*).

The Museum surrounds a central courtyard (*Photo 1 above*): on the east and south sides are the galleries; on the west is the auditorium, and on the north are classrooms and service areas.

The courtyard is a major source of natural light. Its double-paned glass walls are

etched with the outline of a traditional mashrabiya pattern on one pane and its opposite on the other. (Zoom in on the photo to see five different effects created as the sunlight reflects from or goes through the glass.) The tri-colour floor mosaic is granite, limestone and lapis.

Standards are rigorous: for the court-yard's exposed steel columns tolerance was only ± 3 mm over the 14 m length, compared to the standard ± 20 mm.

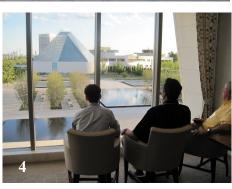
The soaring auditorium uses all teak for seating and cladding. Its domed ceiling is a complex faceted structure in acoustical drywall and plaster. From the outside, it is seen as a flat-topped pyramid (*Photo 2*).

The free-standing stairway up to the auditorim's balcony level has treads of lapis-coloured terazzo, and walls are finished with a subtle pattern in blue-dyed Venetian plaster (*Photo 3*).

To protect light-sensitive items in the collection, the galleries use indirect skylights, and patterned openings which can be partially or completely closed.

Aga Khan Park

- Tours led by Nick Onody, Director, Moriyama and Teshima Planners
- Design landscape architect: Vladimir Djurovic, Beirut
- Opened to the public May 25, 2015



PHOTOS: Rowena Moyes

- Links the new Aga Khan Museum and the Ismaili community/religious centre completed earlier (seen in Photo 4)
- Underground parking freed up almost the entire site around and between the two buildings for the Park.

Traditional chahar bagh gardens are designed in four quadrants with a central water feature; this modern interpretation features five large black granite pools with water constantly cascading over the edges.

The team was asked to ensure the pools would be so level that there would never be dry corners. To achieve this, they used very deep caissons, and preloaded the foundations for a full year. The rate of flow/cascade is designed to help offset noise from the Don Valley Parkway, while not appearing loud to visitors.

Various sizes of pavers are laid in harmonious geometric designs. Avenues of serviceberry trees help define the quadrants, with beautiful flowers, fruit and colour through the seasons. Large sage and lavender beds provide scent and texture. The bank down to the Parkway is planted with native grasses and wildflowers.

Many attendees left the event already planning their next visit. RM



AOLE's 2015 Bursary Winners

Each Spring, the Association of Ontario Land Economists presents a bursary to recognize excellent work by students in Seneca College's Real Property Administration program. The recipients this year were (left to right) Richard Thorn, Nicole McAninch, Jon Brent, Catherine Brindley, and Justin Graham. The assignment was to research and prepare both a written report and an oral presentation to the class on an Ontario Municipal Board case of their choosing. This team's case involved a property re-zoning application to develop an outdoor banquet /event facility on the Oak Ridges Moraine, which was turned down by King Township. The Board denied the developer's appeal.

Member-at-large David Scott, who attended the event, was impressed by the students. And with many working as well as studying, he says, "even split five ways, the AOLE bursary is really appreciated."



With a great lineup of public and private sector speakers and an emphasis on dialogue, the Oct 8 *INVE\$TABLE CITY* Forum will delve into hot topics for Canada's Urban Agenda. The Canadian Urban Institute is offering AOLE members its special "member" pricing for this event, presented by CUI and ReNew Canada in collaboration with Sustainable Prosperity, the Federation of Canadian Municipalities, the Large Urban Mayors

Caucus of Ontario and the Canadian Brownfields Network. Followed by the 2015 CUI Brownie Awards Gala. For more info: www.canurb.org/canadianurbanforum

RICS, CIQS & AOLE 2015 Golf Day

This annual event took place on Thursday May 21, at the Cherry Downs Golf and Country Club in Pickering. It offers AOLE members great opportunities for networking with colleagues in the Royal Institution of



Chartered Surveyors and the Canadian Institute of Quantity Surveyors, during an afternoon of golf, followed by a lively reception/dinner. Don't miss it in 2016!

Welcome New Members!

Yurij Michael Pelech, MA(Pl), MCIP, RPP, PLE Bessant Pelech Associates Inc. 416-574-5978 yurijp@bpainc.ca

Rawle G. Agard, MA Communications/Social Justice, PhD candidate, PLE Metrolinx / GO Transit 416-889-8253 rawle.agard@gmail.com

Waynewright Owen Verwey, MBA, BSc Economics, PLE Regional Municipality of Halton 905 815 6000 Ex.7297 Owen.Verwey@Halton.ca

LEGISLATIVE UPDATE ...continued from page 8

CO-ORDINATED REVIEW

As part of its response to the Province's review of the Growth Plan for the Greater Golden Horseshoe, the Ontario Home Builders Association has submitted a paper by former Growth Secretariat ADM Brad Graham and economist Tom McCormack.

"Improving the Growth Plan: A Commentary" - http://ohba.ca/system/documents/documents/340/original/ Improving the Growth Plan PDF.pdf? 1441817423 - provides five main recommendations:

- (1) amend the Growth Plan so that intensification can occur more easily where significant transit investments are made;
- (2) better align the investment in public facilities and community infrastructure with the Growth Plan;
- (3) explore a new more effective and equitable financing model for water and waste water;
- (4) ensure that sufficient "Whitebelt" lands are available and are developed to the highest standards;
- (5) examine the application of the Plan's density targets to ensure that employment activity remains strong and that the future mix of residential development matches future population needs.

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



The Legislative Update

By Andy Manahan, PLE

PREMIER WYNNE'S KEY ADVISOR

Last year, Ed Clark led a Panel to advise the Ontario government on how to maximize value from its key assets such as Hydro One and LCBO (see Vol. 45, No. 1). On the consumer choice front, steps are being taken to allow for the sale of beer six-packs in select grocery stores and the LCBO will introduce craft beer zones in 25 locations.

In June, it was announced that Mr. Clark would be tasked with providing recommendations on how to improve Ontario's economy, foster job creation and reduce regulatory burdens. His first formal report to Premier Wynne occurred in mid-September.

MAJOR DISTRACTIONS

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While a lot of business is proceeding at Queen's Park in the new legislative session, the government has had to deal with a number of major distractions, including negotiations with secondary school teachers, an updated sex ed curriculum for students, the partial sale of Hydro One and the federal election campaign. On the latter, Premier Wynne spent the early part of the campaign sparring with Prime Minister Harper on his refusal to cooperate with Ontario on its pension reform enhancements. More recently, the Premier has called on the federal government to accelerate acceptance of Syrian refugees.

NEW ENVIRONMENTAL COMMISSIONER

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Dianne Saxe, one of Canada's leading environmental lawyers, has been named as Ontario's next Environmental Commissioner, effective December 1, 2015.

She replaces Gord Miller who served in this role since his appointment in 2000. On her law firm's web site Ms. Saxe welcomes suggestions from readers, saying: "I will need your help to make the office of Environmental Commissioner more effective, and to increase citizen engagement in environmental issues."

PAN AM GAMES A SUCCESS, BUT NO OLYMPIC BID

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Initial scepticism about the Pan Am Games, as witnessed by lacklustre ticket sales and fears of traffic chaos, turned to support once the Games were under way. In fact, Games CEO Saad Rafi, who took over the top staff position in late 2013, rightly observed that Canadians embraced the event. The Greater Golden Horseshoe hosted over 10,000 athletes from 41 countries during July and August and we now have a legacy of sport and community projects that would not have been delivered otherwise.

The regional nature of the Games contributed to more congestion but thankfully the Games took place during the peak vacation period.

In order to improve mobility for athletes and officials, an expanded 235 km network of HOV lanes was created by the Ministry of Transportation. MTO and Metrolinx officials will be analyzing traffic and other data to improve transportation services, including implementation of High Occupancy Toll lane pilot projects. HOT lanes will allow single occupant drivers to pay to use the HOV lanes and will result in better overall capacity of the highway network.

In 2013, large expense claims of senior Games management resulted in Premier Wynne calling these "unacceptable" (a Toronto Sun reporter described these taxpayer funded expense accounts as

personal ATM's). Now, with the fall sitting of the legislature, opposition parties have asked for a proper accounting of the Games.

Close to \$6 million in bonuses is about to be handed out to 53 Pan Am executives but PC tourism critic Steve Clark has called for a freeze on any bonuses until the provincial auditor has had a chance to fully review the books to determine whether the Games came in within the \$2.5 B budget. The Province has guaranteed to pick up any cost overruns for the Games.

As a result of the overall success of the Games, there was a late rallying cry for Toronto to once again bid on hosting an Olympic Games. Support from Queen's Park appeared to be lukewarm but it was a mid-September vote by Toronto Council that stopped a formal bid for the 2024 Olympics. Some pundits deem that the risk of hosting a Games is far too high, especially with contractual demands made by high-flying IOC officials.

'THE FUTURE OF INFRA-STRUCTURE' REPORT

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For those who enjoyed the commentary by AOLE members on The Economist magazine's "Third Great Wave" special report (Vol. 44, No. 2), a new report commissioned by RCCAO on how megatrends will impact the future of infrastructure will be of interest. See http://rccao.com/news/files/RCCAO Future-of Infrastructure Sept2015.pdf Former deputy minister and founding CEO of Metrolinx Michael Fenn is the author of the report and input was provided by Canadian futurist Richard Worzel.

Mr. Fenn predicts that the daunting pace of change has great potential. New materials, components and processes will make infrastructure quicker and easier to build and maintain - and then to adapt it, repurpose it and refinance it, when needs change or to drive some economic or social objective.

In a constrained fiscal environment, it is paramount that we build the right infrastructure for the future. Governments must strategically anticipate various big trends otherwise there will be misallocation of funds. In this regard, Fenn reiterates the practical advice of Walter Gretzky to his son Wayne: Don't skate to the puck. Skate to where the puck is going to be."

Continued on page 7