

Ms. Audrey Bennett, MCIP, RPP
Director
Provincial Planning & Environmental Services Branch
Ministry of Municipal Affairs and Housing
14th Floor, 777 Bay St.
Toronto, ON M5G 2E5

April 24, 2002

Re: Draft Handbook on Planning for Barrier-Free Municipalities

Dear Ms. Bennett

Thank you for giving the Ontario Professional Planners Institute the opportunity to comment on this draft document. Unfortunately, our records indicate that we were not contacted by the Ministry earlier on in the review process, so we hope that you will accept these as preliminary comments, that may change following more detailed examination.

The Institute represents some 2,400 practicing planners in the Province of Ontario, with a diversity of employment in the private and public sectors. Our members are involved in policy, transportation, housing, site development, environmental, regional and resource-based planning activities. We believe that we offer a balanced and representative view on this type of initiative and publication. We will not comment on Bill 125 itself since that is a piece of legislation that is now proclaimed. The focus of this submission is on the Handbook, as drafted, and our public interest in the administration of planning programs, as it relates to this guideline document.

Our approach in this letter will be to offer general comments first and specific technical comments after.

General Comments:

- 1) Although the 'target audience' is identified on page 4, there appears to be a variety of issues, programs and services identified that cross over into

other areas of local government beyond the strictures of land use planning. It would be unfortunate (and, in our view, unhelpful to our local government practitioner members) if MMAH deliberately chose not to make this draft a broader 'all-purpose' document for the use of local government managers, rather than strictly for planners. It is unclear in this draft what is a rule, what is a regulation/standard and what is simply a guideline or 'good idea', particularly as it relates to the originating legislation (Bill 125). This should be clarified throughout the entire Handbook. It is also unclear what types of documents will be produced by other Ministries of the Crown (in particular, Citizenship, the Ministry 'champion' for this legislation). There should be cross-references for the reader. As a suggestion, somewhere within Section 2 (pgs. 5 or 6), it should be emphasized that good design for accessibility is part and parcel of good design practice for livable, pedestrian-friendly, environmentally-sound, preferred streetscape approaches to community design.

- 2) The policy section on page 7 bears revisiting. In the policy making process, the 'environment' is usually 'scanned' to collect an inventory of what is going on and to identify current practices/issues. This is not noted in the text, although it is flagged in the Part One questions of the Self-Assessment. It should be done at an organizational (not functional) scale. This whole section appears to infer land use planning as the 'home' of proactive policy in this initiative, which is erroneous and somewhat misleading to the reader. Responsive policy will have to be developed in several areas at the same time, not just in the land-use planning field at the local level (for example, engineering, transportation, public transit and procurement/purchasing, to name a few).
- 3) The implementation framework list on pages 9,10 and 11 merely serves to confirm the observation listed above. The section on Transportation would, in our view, benefit from the addition of some type of 'best practice' design document (for example, the former Regional Municipality of Ottawa-Carleton's "Regional Road Corridor Design Guidelines"). The emphasis on creating pedestrian-friendly road corridors would, by definition, include persons with disabilities.
- 4) The note on social housing programs on page 11 is somewhat inaccurate in that Municipal service managers in the North are not necessarily a local government – District Social Service Administration Boards (DSSABs) are the organization of choice. The text should reflect that many local government planning departments, particularly in medium or small municipalities, no longer have or keep housing 'units'.
- 5) The discussion on technology and communications applies well beyond just planning related processes and is given a rather incomplete treatment in the draft Handbook. It appears that the list of 'suggestions' (as opposed

- to 'requirements') will apply to many other functions of local government, but this is not well described. As an aside, there appears to be no treatment of human resources strategies to reduce internal 'barriers', although this is a challenge for employers and potential employees as well.
- 6) The discussion of municipal best practices on page 13 represents, in our view, one of the most serious omissions in the draft document. There is a general reference to government agencies (who) provide tax incentives to businesses and individuals (to remove barriers)...then they are never identified for further use. The complete absence of how and who will finance this program at the local level (recognizing that it is a Provincial piece of legislation) is most unhelpful to planners, their clients and anyone else in the field of local government. On the matter of best practices, it is suggested that the first bullet be modified to include existing local advisory bodies rather than establishing new ones.
 - 7) The absence of a "where to from here" section before the Self-Assessment questionnaire represents another serious omission that should be corrected. Are there key dates for implementation? Are there requirements (as opposed to suggestions or recommendations) around the removal of different types of barriers? This should be included, and it should be extended well beyond the planning area alone.
 - 8) The list of contacts on page 20 is somewhat misleading since it is doubtful that every planning (or clerk's) department in Ontario communities is completely up to speed on either the legislation itself or the implementation requirements. This should be seen as an issue affecting many functions of local government, not just planning and it will need a co-ordinated 'corporate' approach. Are there associations that could be contacted for more technical help as well?
 - 9) On first review the Self-Assessment questionnaire appears to be well laid out and asks the right questions. It is suggested that Q14 be modified to include 'and encouraged' after 'accessibility', and that Q20 be modified to include 'and accommodate' after 'consider'.
 - 10) More or larger graphics are suggested to emphasize some of the 'pure design' issues or challenges.

Specific Comments:

- 11) The Planning Act amendments do not offer any undue concern to planners. The portion of the Act identifying the roster of Provincial interests is lengthy, but it is part of the consideration in any planning application. The additional requirement in Section 51(24) is something of

repetition in that this interest is already identified in Section 2 of the Act, but it should also be part of the consideration in support of a proposed Draft Plan of Subdivision.

- 12) The Institute remains very concerned however with the references under Section 41(4) of the Act (Site Plan Control). The requirement under Bill 125 for 'timely review' of site plans by an accessibility advisory committee (composed of a majority of persons with disabilities, not background in planning or design disciplines) will have 3 negative impacts – the first will be added time to complete a review of a proposal and the second will be the assumption of decision-making accountabilities that vest with the Council of a municipality under Section 41(2,3 and 4). Third is the factor of increased costs – time costs, and possibly the presentation of designs in alternative media in order to accommodate the disabilities of some of the reviewers. It could be argued that design issues will now be determined by a specific interest group with a right of review (and possible appeal) rather than what is deemed to be in the broader public interest. This could serve as a precedent for other groups with legitimate public interests in development design outcomes (for example, environmental groups) to secure a preferred status in the site plan approval process.

We are led to believe that concurrent changes are also contemplated to the Ontario Building Code to accommodate barrier-free design regulations, so this is perhaps the most appropriate 'place' for incorporating design improvements for new construction or renovations.

In summary, it is hoped that the Ministry will take a serious look at broadening the 'application' of the draft handbook to all areas of local government and take into account the general and specific concerns we have raised. We wish to encourage the Ministry to redesign the handbook to give it a more 'corporate-wide' perspective rather than the somewhat narrower perspective indicated in this draft. We would also ask to be given the opportunity to review the final draft Handbook.

We would be pleased to answer any questions you may have regarding our comments. Please contact Ms. Loretta Ryan, Manager of Policy & Communications at 416-483-1873, ex. 26 or Mr. David Hardy, Director of Policy Development at 416-944-8444.

Sincerely,

David Hardy, MCIP, RPP