

Three concerns with implementing the DPS in Toronto
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Given present consideration of the Development Permit System (DPS) for Toronto, the Confederation of Resident & Ratepayer Associations in Toronto (CORRA) strongly believes that this planning process must be fully studied and discussed by potentially affected parties. It is for this reason that CORRA has produced a discussion piece, 'What is the Development Permit System? And Should Toronto Aim to Implement this System?'. The three most pressing concerns identified in this paper follow.

1. DPS by-laws are both crude and unpredictable

To process DPS applications within 45 days, site-specific detail must be elided, reducing the approval process to the mechanical exercise of comparing submissions with abstract performance standards—a crude and inappropriate process for fitting new development into Toronto's typically mature and idiosyncratic "neighbourhood-scale areas". Moreover, the concrete consequences of a performance standard can't be known until technical studies are performed, nor can the outcome of Section 37-style tradeoffs be predicted in advance—rendering it difficult for Councillors and residents to evaluate DPS by-laws, and likely leading to dissatisfaction with some unanticipated results of post-DPS approvals.

2. Approvals become an undemocratic and pro-business insider's game

Reflecting the 45-day timeline, approvals are expected to be delegated to the Chief Planner, and involve no notice or consultation. This takes out of the picture both Council and residents—the very parties advancing the view of those who have to actually live in the area at issue, and from whom our system of law is supposed to emanate. Even worse is the DPS appeals regime: the goal of reducing appeals is served in the most one-sided way, withdrawing the existing right from residents and Council but preserving the right of the applicant. This makes approvals into a brazenly pro-business inside arrangement. Coupled with the aforementioned uncertainty in application of DPS by-laws, such an undemocratic approval process would likely undermine the legitimacy of the City's planning institutions.

3. DPS hits the "reset button", catastrophically and burdensomely departing from resident expectation

People move to an area they like, anticipating gradual change, and expecting members of Council and experts in City Planning to guide this gradual change consultatively, to keep it generally acceptable. DPS drafting pushes the "reset button" on a neighbourhood-scale area, putting residents suddenly in a position in which anything can happen. This catastrophic departure from the norm is optimistically pitched as involving a "front-end" process of consultation, the product of which is the community's "vision". But given the impending repeal of existing zoning, the subsumption of minor variances (resulting in likely "up-zoning"), and the post-DPS removal of rights of consultation and appeal, the front-end process in fact imposes a huge burden on community members to "act now or suffer the consequences for (at least) the next five years". It is inappropriate for the City to impose such a burden on community members, many or most of whom do not have the time, energy, interest, linguistic skills, or physical wherewithal to participate in lengthy "visioning" exercises, or the money to engage in costly appeals of DPS by-laws with which they may disagree.

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