

# Community Planning in Ontario

By A. E. K. BUNNELL

FOR many years past the municipalities in the Province of Ontario have been enabled by Provincial Statutes to protect residential properties from the intrusion of business and industry, to acquire lands for such public purposes as parks, schools and other municipal buildings and to widen and extend streets. However, it was not until the enactment of the Department of Planning and Development Act in 1944 followed by The Planning Act and The Conservation Authorities Act in 1946 that the way was open for community planning on a broad scale.

## Department of Planning and Development

Under the Act of 1944 the Department of Planning and Development was established as a key agency to the Province's reconstruction programme to co-ordinate and formulate plans "to create, assist and maintain productive employment and to develop the human and material resources of the Province." In carrying out this work the Department maintains close collaboration not only with the other departments of the public service of Ontario, the Dominion and other Provinces, but also with municipal councils and the various agricultural, industrial, labour, mining and trade associations.

The Department has five branches, dealing, respectively with:—Community Planning; Conservation; Trade and Industry; Handicrafts; and Immigration. The Community Planning Branch co-operates with all departments of the Provincial Government and the Central Mortgage and Housing Corporation in Ottawa in matters affecting community planning and development. It assists the municipalities in organizing local planning authorities and its services

are available for general advice on all community planning problems.

## The Planning Act 1946

The Planning Act is designed to put community planning in the Province of Ontario on a permanent basis by providing for the preparation of planning schemes and the implementation thereof. Specifically it provides for:

1. The definition of planning areas—these may consist of one or more than one municipalities.
2. The appointment of planning boards—their task is to formulate planning schemes and advise the department and the councils as to the suitability of proposed subdivisions and other private developments.
3. The adoption of such planning schemes by the municipal councils concerned and their subsequent approval by the Minister after which they become "official plans."
4. The recommendation by the planning board to council, from time to time, in proper sequence, of the implementation of the various features of the official plan.
5. The keeping of the official plan up-to-date by continuous study and the recommendation by the board, from time to time, of suitable amendments to adapt the plan to changing conditions.

Already some 96 municipalities, embracing a population of 1,594,000 out of a total population for the Province of 3,612,000 are in organized planning areas.

Matters which are engaging the attention of the planning boards cover a wide range of subjects such as:

The development of local neighborhoods, each with its own shopping districts, primary schools, parks, playgrounds, churches and other neighborhood amenities and in which the through traffic is confined to the borders; water

supply and distribution; trunk sewers and sewage disposal; location of industrial areas; provincial highway connections; green belts; zoning for the best use of land and stabilization of values; and day-to-day consideration of and recommendations as to proposed private developments.

In several instances the planning boards have engaged professional assistance.

None of the planning schemes have as yet been approved by the Minister as official plans except with respect to a small area in the City of Fort William. However, there are two applications, namely, one from Smiths Falls and another from the Town of Renfrew, now before the Minister and several others are pending.

It is provided under Section 12 of The Act that, "Notwithstanding any other Act, where an official plan is in effect, no by-law shall be passed for any purpose that does not conform therewith" and in Section 13, "Where there is conflict between an official plan and any by-law, the official plan shall prevail." Consequently, except the plan is first amended by reference to the Minister, it shall be followed when carrying out any of the development covered by the plan. On the other hand, there is nothing in the Act which can compel a municipal council to proceed to implement the plan or any part thereof against its will.

The various proposals indicated in an official plan are implemented individually by the municipal council in the normal way by by-laws passed under the authority of the appropriate sections of The Municipal Act, The Local Improvement Act, The Public Parks Act or other applicable Act and in accordance with the procedure and the jurisprudence already established under these Acts.

Section 15 of The Planning Act provides that, with the approval of the Minister, the municipality may, for the purpose of developing any feature of an official plan, acquire, hold, sell or

otherwise dispose of lands so acquired or held when no longer required. Section 16 provides the same power to acquire land and also to clear it for the purpose of a housing project. In each case, however, the land is acquired under the provisions of The Municipal Act.

When an official plan is implemented by a by-law, such a zoning by-law under Section 406 of The Municipal Act, Section 14 of The Planning Act provides for a committee of adjustment which may, upon the application of an owner of land affected by the by-law, exempt or partly exempt the land from the operation of the by-law, provided that the general purpose of the by-law and the official plan is maintained and that objections, if any, to the application, have, after a hearing, been withdrawn.

Certain provisions of The Planning Act, such as Section 16 which provides for acquiring and preparing land for a housing project, are applicable whether or not a planning board is set up or whether or not there is an official plan on which to base the project. These are generally applicable and available to all municipalities.

### Zoning

Section 406 of The Municipal Act has been used in many municipalities for the past 30 years and more, to protect residential areas from intrusion and more latterly to define zones for specific uses, such as, residential, commercial and industrial and to regulate the type of construction and the type, location, spacing, external design and character of buildings within any defined zone and the minimum frontage and depth of a parcel of land and the proportion of the area thereof which any building or structure may occupy.

Section 406 of The Municipal Act, which is the governing section, requires a reference to and an approval by the Municipal Board before a zoning by-law shall become effective.

In the City of Toronto, using the facilities of The Municipal Act and The

Local Improvement Act, many street widenings and extensions have been carried out at a cost amounting to many millions of dollars over the past 35 years and, although there have been no official plans to work to, the improvements very largely conform to the plans developed by the Civic Improvement Committee in 1911.

The vast development of the Toronto Harbour Commission was the result of long-range and forward planning by the City Council of the day and the Dominion Government and has resulted in the recapture by the City of all the land along the entire waterfront, a distance in all of some twelve miles.

The pattern of a community is formed by its streets and the frontage thereon. Prior to 1912 there was no municipal control over the manner in which land was converted from agricultural to urban uses, by which this pattern was formed. In that year, through the energy and zeal of the executive committee of the Toronto Civic Guild led by the late Mr. J. B. O'Brien, the Legislature enacted "The City and Suburbs Plans Act," whereby any person desiring to subdivide land into lots in accordance with a registered plan of subdivision, lying in or within five miles of a city having a population of 5,000 or more, was required to submit a plan of proposed survey and subdivision to "The Ontario Railway and Municipal Board" for its approval. In determining as to the suitability of the proposed plan, the board was required to have regard to making the subdivision and roads and streets and their location and width and the direction in which they were to run conform as far as practicable with any general plan which had been adopted or approved by the council of the city. The City of Toronto took immediate advantage of same and the result today is that the street pattern in the suburbs of Toronto has a definite measure of continuity which the older section of the city lacks. Unfortunately few other municipalities took positive action

to avail themselves of the facilities of the Act.

However, the Act was strengthened from time to time and became known as, "The Planning and Development Act" and the municipalities acquired the right to approve of plans of subdivision, but subject to the final approval of the Municipal Board. Now, under Section 25 of The Planning Act, 1946, the considerations which apply to the approval of plans of subdivision, including the location and width of streets, the size of lots and dedication of land for public purposes, have been strengthened and approval has been transferred to the Minister of Planning and Development. His position is that he will not approve except the particular municipality in which the land lies has been consulted and except under very special circumstances, its consent obtained.

The Community Planning Branch of the Department is in constant touch, through its staff, with municipal councillors and officials, impressing upon them the beneficial results which will accrue to their municipality from the proper subdivision of land. During the eighteen months which have elapsed since The Planning Act became effective, the Department has dealt with approximately 1,200 plans of subdivision and the municipalities are very appreciative of the assistance which the branch has been able to render in insuring a more orderly development of these areas.

As there have been many instances where subdividers have been unwilling to consider the public interest and have subdivided long frontages into lots without provision for intersecting streets and other necessary considerations, Section 23 of The Planning Act provides that a municipal council may by by-law, designate any area within the municipality as an urban development area and thereupon no person shall convey land unless the land is described in accordance with and is within a registered plan of subdivision, unless the land is more than 10 acres in area, unless the land

is the whole part remaining to the person of one parcel described in a registered conveyance to him, or unless the consent of the planning board, if any, or where there is a subsidiary planning area, the planning board thereof, or the Minister, is given. Already some 21 municipalities have taken advantage of this section of the Act and over the years much benefit will result therefrom.

Community Planning therefore, as a matter of gradual evolution and based on a general recognition of the

obvious need for such co-ordination of municipal and private development, has emerged as a practical possibility for every community. In the present Planning Act we have available the tools to work with but they will be useful only to the extent that each individual community recognizes its need and makes active and intelligent steps to use them.

We, in the Department of Planning and Development recognize that the Act is not perfect and as we gain experience in its operation, it will be improved.

## Housing and Planning in Britain

By D. P. REAY

**T**HERE are roughly four major functions involved in the building of a community or the redevelopment of an old one. Its size, shape, population, location and community facilities have to be defined and the broad land use areas of the community have to be planned. Secondly, standards of domestic accommodation have to be laid down, house plans made, family sizes arranged for in proper proportion and the development laid out in detail; thirdly structural systems have to be selected which will be economical yet function efficiently; and finally the necessary materials, equipment and labour have to be allocated and assembled on the site for construction of the project.

In England today these functions are fulfilled by the Ministries of Town and Country Planning, Health, Works, Supply and Labour respectively.

Before going into the actual quantity and quality of houses built since the war in Britain let us examine the administrative and legal framework which has been erected to ensure that the right buildings are built in the right places at the right

time. The housing and community planning picture can only be seen in the larger perspective of land use planning as a whole.

### Land Planning

The Town and Country Planning Act of 1947 is now the key planning instrument and for the first time enables all the land in Britain to be planned in the public interest. It can best be briefly analysed under two headings, (a) the problem of compensation, and (b) the planning organization.

### The Problem of Compensation

In the past, the greatest obstacle to positive planning in the public interest has been the difficulty of paying land-owners adequate compensation for changing the use of their land.

In theory, under previous law, public control of the use of land increased the value of some land and decreased the value of other land, but it did not destroy land values as a whole; if, for instance, part of the land on the fringe of a town is taken out of the market for building development by the prohibition of development upon it, its potential value is merely shifted to other land and aggregate values are not affected at all. The value which one owner loses, another gains.

EDITOR'S NOTE: D. P. Reay, a young architect, now engaged in town planning work in England, was during the war years attached to the R.C.A.F. and afterwards on the staff of the Institute of Public Affairs at Dalhousie University and the Nova Scotia Department of Municipal Affairs.