

PLANNING AND DEVELOPMENT OF CITIES IN ONTARIO*

BY THOMAS ADAMS

Town Planning Adviser to the Dominion Cabinet

THE present Planning and Development Act of Ontario deals largely with planning as a matter of fixing the location and dealing with the widening, extension and relocation of highways and parkways. Its proper description should be a highway or street planning and development act. It does not deal with town planning on the broad lines of other town planning acts which have to do with the regulation of the use of land and the character of building development in cities, towns and rural areas.

The general object of an act should be to secure proper sanitary conditions, the economic use of land and amenity and convenience in connection with the laying out and development of land. Thus the first things to get are proper sanitary conditions, which include the consideration in advance of the facilities needed to supply land and buildings with economical means of drainage, sewerage, water supply, etc.

Under the question of amenity, which may be interpreted as agreeableness of surroundings, there would be comprised the prescribing of space about buildings and the character of buildings and their surroundings.

Conditions Influencing Highway Traffic

Under convenience, the main consideration is that of highways and streets, and particularly the provision of wider main thoroughfares. It is impossible, however, to deal with this question of convenience in relation to traffic without considering at the same time the height, density, setback and use of the buildings served by the streets or highways.

You can neither plan a street or highway system as if it were a separate thing from the building development of the city, nor unless you have previously taken into consideration the zoning of the city into factory, residential and other districts.

We cannot strain the word amenity too far. What I mean is that we cannot interfere to any great extent with vested interests in property merely to obtain an agreeable or picturesque effect. If, however, the industries of a city or district depend for their success on certain restrictions on private interests in property, we should not consider it unreasonable to make these restrictions. The only things that are beyond question in connection with the restriction of private interest in property for the public welfare are the things that relate to health.

We should move at certain minimum standards in regard to what are proper sanitary conditions in respect of air space around buildings. Having arrived at those minimum standards, we say they should be insisted upon by law and that no compensation should be payable, even if our insistence upon them means that there is a loss of capital or revenue to the owner of the land.

Proper Sanitary Conditions Essential

This distinction between things that interfere with the health and welfare of the community and the things that are merely necessary for convenience and beauty is recognized in all laws relating to compensation under British and American constitutions. It is recognized in all town planning laws, and because it permits so much to be done by way of regulating the use of the land without payment by the community for compensation to private interests, it makes it of additional importance that town planning schemes should have for one of their main objects the securing of proper sanitary conditions, amenity and air space.

The provisions of the Ontario act may be briefly described as follows:—

To enable cities to have some control over the land outside their boundaries, the act sets up a new area called the

"urban zone." The area of this zone comprises the land within five miles of a city boundary on all sides, or within three miles of a town or village boundary. The act recognizes the subordination of a town or village to a city, or of a village to a town.

The objection to this feature of the act is the power it gives to one municipality to have jurisdiction within the area of another municipality without having first provided the means to permit the planning of the zone to be carried out by the municipality in direct control of the area, or by co-operation between the adjacent municipalities.

Scope of Powers Restricted

The act gives a city, town or village, power to prepare a general plan, but sets forth that such plan shall deal with the restricted purposes of highways, parkways, boulevards, parks, playgrounds and other public improvements. The plan is not required to show or deal with the relationship of the highways to the character, density, height and use of buildings on the abutting lots, nor is there any provision in the scheme for preparing a preliminary and tentative plan and submitting same to the board so that their approval can be obtained in advance of incurring the expense of getting a certified plan, making the subdivision conform to the general plan.

It is difficult to see what really important object is attained by such a plan that could not be obtained by means of by-laws, or at least that does not merely consist in getting streets properly connected. The fact that the scheme does not touch buildings and sanitary conditions means that the planning of the size and form of lots is of little utility. They may be planned for the wrong purpose even if it is the purpose most agreeable at the moment of planning to the city and the owner.

Not until the city or town is planned in regard to its building development and until the location and densities of its factory and residential areas are thought out, can any highway or lot planning be settled in a satisfactory manner.

Section 9 permits the control of the planning of streets on adjacent subdivisions, so that they will be treated as one and fit in with each other. This is useful if it were part of a comprehensive scheme of town planning.

Non-Elected Town Planning Commissions

The act also permits of the setting up of a town planning commission. This commission must be a body corporate and exercise all the powers under the act. Thus, we may create an undemocratic body to override in certain respects not only the municipality that creates it, but the municipalities within the urban zone which have had no part in creating it. Hamilton has hesitated to appoint such a commission because it would give power of administration to a non-elected body with no direct responsibility to the tax-payers. If Hamilton objects to creating a commission of its own selection to deal with the planning of its highways, how much more should the municipalities within five miles, but outside of Hamilton, object to a non-elected body having control of the planning of their subdivisions and highways.

In Ontario we need an act that will really be a planning and development act, and that will show greater recognition of the value of self-government.

It is, of course, essential that adjacent municipalities—whether cities, towns or townships—be made to co-operate in controlling the development of the suburban area that rings in our cities and towns. It may be necessary that the cities be given the power to plan these suburban areas, but they should only be permitted to exercise that power after it is demonstrated that the municipalities outside the boundaries are unwilling to exercise it themselves.

It is contended that the existing planning and development act does not meet the needs of cities such as Hamilton, London and Windsor, which have been giving consideration to the desirability of preparing comprehensive town plans. These cities want a great deal more than the power to control the subdivision of land in the zones lying within five miles of their boundaries. The value of this power to them is shown by the fact that they have taken no steps to give it

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