



‘This is not how you grow communities, this is how you ruin them’: Doug Ford’s government has passed dozens of special orders to override local planning rules to push for developments across the GTA

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First came the decision, then came the phone call.

Earlier this fall, Aurora Mayor Tom Mrakas said town planning staff were stunned when they received a call from the province, informing them the Minister of Municipal Affairs and Housing had issued a minister's zoning order on a 10-acre local parcel of provincially owned land.

The surprise order that day — for land that sits on the environmentally sensitive Oak Ridges Moraine — called for the development of a 128-bed long-term-care facility, but also the maximum number of 30-foot detached housing that could fit on four acres.

The decision, Mrakas said, was made without consulting them at all.

“How does someone make a decision on community growth in the area, without even understanding the community itself? Without visiting it?” said Mrakas. “This is not how you grow communities, this is how you ruin them.”

Known as an MZO, the order allowed the minister to override local planning rules and decide how the property could be developed.

“Why do we spend so much time making official plans for our communities, if the government can come in so easily and override it?” said Mrakas.

While he welcomes a new care facility, Mrakas also questions why the province needed the special zoning order to make it happen.

“An MZO is not required to develop a long-term-care facility on this land,” he said. “It was already permitted on this site, as land was zoned as institutional.”

The provincial zoning order was needed, Mrakas said, to “jam in 75 homes on land that is not zoned for residential housing” — land that he also noted was still on septic.

“If they had come to us, sat down with us, had consultations about the LTC facility...we would have welcomed it,” he said. “But circumventing public planning and the consultation process, and over-developing on environmentally sensitive lands is unacceptable.”

Over the past year, the province has been criticized for its unprecedented use of MZOs, which give Minister of Municipal Affairs and Housing Steve Clark unilateral power to decide how a piece of land — either publicly or privately owned — should be used and zoned in the province, with no opportunity for municipalities or citizens to appeal.

Over the weekend, several members of the Greenbelt Council — including former Toronto mayor David Crombie — resigned, partly over the province's increased use of MZOs, including those that have been approved near or on environmentally sensitive lands.

Clark has defended his use of MZOs saying that they play a critical role in the “province's economic recovery,” adding that they are “accelerating priority projects.”

Since Doug Ford came to power in 2018, his government has issued at least 35 MZOs — including at least 14, by its own count, that involve plans for long-term care. Of those, the Star has identified at least five that allow some kind of residential development as well, in addition to many without long-term care that allow for residential housing not permitted under local planning rules.

The province said that most MZOs have come at the request of municipalities, but several orders affecting provincial land have come with little consultation, warnings, or details for local governments.

There's also growing concern among local officials that affordable housing and long-term care are being used to justify and push through residential development — overruling taxpayer-funded official plans which outline how a municipality should be developed

The Star examined three orders recently issued on provincial land, each publicized as part of Ontario's efforts to increase long-term care. Two of those sites already had zoning that allowed for long-term care before the MZOs were issued — the order only added permissions for residential development. In the Toronto example, a long-term-care (LTC) component was added, but so was zoning for highrises.

One of the three orders examined by the Star was in Hamilton, on former psychiatric hospital lands owned by the province. The order was labelled as supporting efforts to build an LTC facility.

But the zoning for that site already allowed for long-term care, a retirement home, other care facilities, street townhouses, student residences or continuing care projects, said Hamilton chief planner Steve Robichaud. The MZO only expanded the kind of housing that can be developed on the site, including new permissions for highrises, he said.

Before the MZO, the city had laid out a vision for the site. Hamilton Mayor Fred Eisenberger said the idea was to complement organizations that are already there — Mohawk College and St. Joseph's Healthcare Centre — with an institutional district that could include long-term-care housing, plus educational and research sector facilities.

Mohawk College was once due to purchase the land for \$9.5 million and restore an historic property on the site — with the city allowed to use the sale proceeds to build affordable housing, [the Hamilton Spectator reported](#) in 2018.

But that deal was made under the former Liberal government, and scrapped after the Doug Ford's government took office, said city councillor John-Paul Danko.



After he learned about the MZO, Eisenberger issued a statement saying it was his “expectation” that the site would still be developed in accordance with the city’s vision. Ultimately, Robichaud said, they’d have to “deal with and react to whatever comes forward.”

According to an August update to council from Hamilton’s general manager of planning and economic development, the MZO affects roughly 29 acres.

The update cited a letter from Clark about the MZO, which identified the province’s primary objective as building long-term care.

Robichaud said beyond that the city doesn’t have any clear sense of what the province is planning. For now, it’s impossible for them to tell whether there will be constraints around transportation, stormwater, or wastewater.

“Those are all questions that need to be answered before they go any further,” he said.

Adam Wilson, a spokesperson for Clark, said there hasn’t been a final decision about the Hamilton site. He called the development of long-term care and housing “an option,” and suggested the zoning change could allow “potential housing for veterans, seniors and students.”

The apparent absence of a clear path ahead has only fuelled worries among some Hamilton officials.

“The concern was that ... the province would sell the property, and it would just get developed for residential uses,” Robichaud said. “There would be some sort of care facility somehow incorporated into it, but more as an afterthought than the primary driving consideration.”

Without knowing what any future sale conditions could be, he said it could be possible for a developer to purchase the site and solely develop housing — eschewing long-term care altogether. **GIVE THE NEWS.**

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Wilson, Clark's spokesperson, said the properties in Hamilton and Aurora were identified as suitable for long-term care and "much needed" housing supply. "That's why our government has added residential uses to the zoning for these two sites, which will provide a better value for taxpayers, while ensuring the successful bids include significant long-term-care components."

While neither site had a final plan as of mid-November, he said the province could "guarantee" that any successful proposal for the two pieces of land would include long-term-care beds.

But Danko, the Hamilton city councillor, said the province seemed to be using long-term-care development as an "excuse" to rezone land for other purposes.

Land on the escarpment was "extremely valuable," he said. Already, the piece of land was worth millions — adding in the chance for more residential development only increased that value, he said.

"That's the big fear here — is that the province is using the excuse of long-term care in order to sell off and rezone provincial lands...for big dollars."

In Toronto, a provincial site in north Etobicoke has also been rezoned by Clark's office, with a plan for long-term care, plus an unknown amount of housing.

The zoning order for that site — the former Thistletown Regional Centre, a now-defunct SickKids satellite site, according to the Etobicoke Historical Society — allows both long-term care and the broadest possible permissions for residential development as tall as mid-rises, said Toronto's chief planner Gregg Lintern.



“It’s permissive from that point of view,” he said, adding that the provincial government, which plans to take the site out for proposals, may be trying a market-driven approach after scrapping past plans. The previous zoning on that land was limited to institutional uses, Lintern said.

In 2017, the Ontario Liberal government announced it would turn the surplus land near Kipling and Finch Avenues into a mixed-use community with up to 35 per cent affordable housing. The rest, a press release said, would be protected green space.

But after the Ford government was elected in 2018, the agreement to redevelop the site was cancelled, the Globe and Mail reported at the time — with the premier’s office saying there was not enough cash for the government or affordable homes involved in the deal.

“In theory, when you pre-zone it provides some degree of certainty of what you can do,” Lintern said about MZOs that set up zoning before an application is in place.

He added the city has done similar things with its own land for the Housing Now program, zoning first and finding applicants later, but has been more specific by working on a conceptual design ahead of time.

Lintern said he has no objection to MZOs in principle, if the proper due diligence is done in advance. Normally, he said, the city would work out issues like servicing, parkland and other key community amenities as a package with the developer.

“The concern that it raises is that now the site is zoned for these uses,” he said, noting that doing so limits the city’s ability to coordinate resolutions for those kinds of issues.

The site is still subject to city site plan approval, he said, and possible subdivision of the land to allow for public roads and services like sewers and water.

“This is not the end of the story. There’s going to be another chapter to this,” Lintern said.

The Etobicoke zoning order is not the only one that’s landed in Toronto recently. In October, three new orders for provincial land in the West Don Lands were posted online and city planners only found out by accident — seeing the wording of the orders while researching other projects.

In those cases, orders would allow residential development without guaranteeing affordable housing, including on a heritage site for which there has been no public application and zero public consultation, leading local councillors to decry the provincial process.

Back in Aurora, Mrakas said because of the sensitive nature of the land and the low water table, the area was zoned only for two units per acre in its official plan, and is surrounded by a high school and estate homes. The MZO now allows for 18.5 units per acre, he said. Mrakas said he has called Clark and local MPPs, but has yet to hear back.

Mrakas said the town had always envisioned this area as a future park with recreational amenities. “If this plan came to us through the normal process, we would deny it at the staff level, before it even got to council,” he said.

He said the government's argument that the increased housing will help with affordable housing in the community is unrealistic.

"I'm not going to sugar coat: we know what this is. It's an uplift in land value," said Mrakas. "It's not about making affordable housing. These houses are going to sell for a million dollars each. That's not affordable housing."

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