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Salisha Price
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Re: Changes to Oshawa's Park Development Policy

The Durham Region Home Builders' Association (DRHBA) would like to thank BILT and the City of Oshawa for reaching out to us for feedback on items *DS-19-200 Notice of Motion - Construction of New City Parks* and *DS-21-134 Notice of Motion - Policy regarding the Completion of Area Parks and Trails*.

As both of these items would have a significant impact on the building industry, DRHBA reached out to its builder and developer members for feedback on these items. As a result of our consultation with members, DRHBA cannot support the City of Oshawa mandating that developers become responsible for building neighbourhood parks. While DRHBA believes that the City should continue to give developers the option to build parks if they so choose, it's important to note that the City collects development charges related to parks and therefore has the needed funds to engage a landscape architect and contractor to complete parks in a timely manner, should a developer opt out of building the parks.

Although some developers view the early construction of a park as a marketing tool, there are many obstacles in place that make it very challenging, and in some instances, impractical, to have the parks built during the development stage. DRHBA looks forward to working with BILT and City of Oshawa staff to overcome some of these challenges and find a way to ensure that new residents are able to enjoy parks in their neighbourhoods without unnecessary delays and without mandating developers to take on the additional risks inherent in the parks development process.

DRHBA would like the City of Oshawa to investigate a policy that would help speed up the completion of parks while taking into account the reality of the construction process. A policy similar to other municipalities, that requires park completion within a certain number of years after occupancy, is something that DRHBA and its members could support with the proper framework to minimize risks and additional cost burdens to the industry, should a developer chose to build the park.

The following outlines some of the feedback that DRHBA and its builder/developer members have vocalized about building neighbourhood parks during the development process:

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Finance

Typically, development charges are collected at the time of building permit approval and the money is collected by the City and held until such time that the parks are ready to be built. If developers opt to build the parks, it is essential that reimbursement from the City occur immediately after completion of the park. Timely repayment will help incentivize developers to opt to build the park.

In addition, if unanticipated field conditions lead to park cost increases, the City will need to deal with that immediately. Waiting for council budget approval for a cost increase will delay park completion and will result in additional costs related to standby costs, remobilizations and escalations that the City would be required to reimburse the developer for. DRHBA would support senior staff being given the authority to approve required budget overruns.

Any park policy would also need to include adequate soft cost allowances in the budget to appropriately account for the cost of the landscape architect, civil engineer and soils engineer and any other support required to build the park.

The Development industry would also need reassurance written into the policy that the City cannot ask the developer for securities for the above base park component, as the funds to build the park are collected through development charges and already held by the City.

Finally, any policy prepared by the City cannot obligate a developer to build a park should the park lands be owned by different landowners. These parklands would need to be addressed through specific Cost Sharing Agreements.

Timing

Safety of new residents is of paramount concern to developers and the City of Oshawa. To strike a balance between the need to have parks built in a timely fashion and the safety of new residents, DRHBA is recommending that the policy ties the completion of parks to occupancy, i.e. parks should be completed within a certain number of years after occupancy. This allows for sidewalks to be completed, and likely a reduction in the amount of home building construction activity on a site. Directing the public through an active construction site generates an unnecessary risk to a builder and is outright dangerous. This will inevitably produce liability risks not only to the builders and developers, but to the City of Oshawa as well.

The current resolution, as written, requires parks to be completed at time of servicing, which is impractical, unfeasible and unsafe due to active construction activity. In addition, the Ministry of Labour regulates that any construction activity on a site must maintain separation of time and / or space between contractors. Developers are not set up as general contractors and therefore, are unable to have more than one contractor onsite at a time.

Construction is inherently messy work and sites are often muddy, dusty and dirty. Once the parks are built, is the City prepared to assume responsibility for the maintenance of these parks? This maintenance would need to include, but not be limited to; regular garbage removal, grass cutting and

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other maintenance activities. With park construction too early, the City would need to be responsible for the parks' upkeep, maintenance and safety while construction is ongoing to complete the neighbourhood. Once again, this puts the developers, builders and the City of Oshawa at risk.

It is also important to note that if the design process begins after occupancy, the City then has the opportunity to consult with new residents and engage them in the process of designing these parks, which allows for better community use of these new amenities.

Summary

Overall, changing the City of Oshawa's current parks policy would not be supportable by DRHBA and its member companies. The proposed resolution carries with it too many unsurmountable risks that put both the industry and the City at unnecessary risk. While the goal of having parks in place when new residents move in is admirable, DRHBA feels that due to development timelines and realities, it is not possible. We would like to continue this conversation to come up with a solution that would not only work for all parties, but would also benefit new homeowners.

Sincerely,



Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

cc:
Paul Ralph, City Manager, City of Oshawa
Warren Munro, Commissioner of Development Service, City of Oshawa
DRHBA GR Committee
Johnathan Schickedanz, president, DRHBA
Tiago Do Couto, vice-president, DRHBA
Victoria Mortelliti, Manager of Policy & Advocacy, BILD
Frank Filippo, BILD Durham Chapter Chair

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