



Durham Region Home Builders' Association
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May 26, 2020

Michelle Whitbread
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Re: Dust and Mud Control By-laws

The Durham Region Home Builders' Association (DRHBA) proudly represents over 170 member companies that are involved in the construction and renovation industry, and is the voice of the residential construction industry in Durham Region.

First, DRHBA would like to thank City staff for reaching out to us for feedback on the proposed dust and mud control bylaws. We really appreciate how the City of Oshawa involved the development community in their decision making processes.

We have reviewed the proposal to create and implement dust and mud control by-laws, and overall we don't believe that these bylaws are needed, as the content is already covered within existing policies and bylaws.

It should be noted that in the City Site Alteration bylaw, section 6.4 states "The Director may require an Applicant to install such site remediation measures, including topsoil, seeding, sodding and installation of berms and landscaping, as are necessary to minimize the visual impact of Fill or Grade alteration proposals." These onsite measures reduce dust creation and eventual migration, and as such, we feel there is no requirement to embed these in a bylaw.

For subdivisions, Section 6 of the City of Oshawa Engineering Design Criteria Manual, along with clause 10.3, which is further detailed in Appendix 13, titled 'Mud Control Policy' specifically addresses the issues associated with dust and mud control.

For site plans an infill developments, the process for building permits and site plan approvals is the same as Site Alteration.

At a time when governments at all levels are trying to reduce red tape to expedite the construction of new homes, adding a redundant bylaw just adds to existing inefficiencies.

While we hope that the City of Oshawa ultimately deems a new dust and mud control bylaw unnecessary, if the decision is made to proceed, DRHBA would also like to address two points made in Report DS-18-127 Dust Control Related to New Development.

Section 5.3.2 Durham Lakeshore Municipalities Site Alteration Bylaw

This section of the report highlights one of Clarington's enforcement clauses: "The Director may, without notice, have such mud or dust controlled by Municipal forces or a third party contractor and such costs, including a 30% management and administration charge, shall be paid by the applicant upon invoicing." Under any type of policy or bylaw, the developer/builder needs to have the opportunity to address the issue before the municipality steps in to rectify the situation.

Section 5.6 Summary of Analysis and Opportunities for Enhancement

Similarly to the above point, this section of the report suggests "The possible use of administrative monetary penalties related to the above and should also be investigated." Penalties should only be considered as the cost of the municipality taking on the work with the addition of an administrative fee. This should only occur if the developer/builder was given an opportunity to address the concern prior to the municipality taking on the rectification of the issue.

The Durham Region Home Builders' Association appreciates the opportunity to provide the City of Oshawa with feedback on this matter, and we are available to answer any questions you may have or provide further comment.

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
Ken Man, Manager, Policy and Research, City of Oshawa
Johnathan Schickedanz, president, DRHBA
Tiago Do Couto, vice-president, DRHBA