



Durham Region Home Builders' Association

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May 11, 2020

Mayor & Members of Council
Town of Whitby
575 Rossland Road East
Whitby, Ontario L1N 2M8

Re: Whitby Green Standard

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

Representatives from the Durham Region Home Builders' Association have participated in all of the stakeholder meetings hosted by the Town of Whitby regarding the proposed sustainable guidelines. On April 15, 2020, the Town of Whitby released documents related to the Whitby Green Standard, which included checklists that provided information on the criteria required to meet the proposed **mandatory** Tier 1.

After thorough review, the Durham Region Home Builders' Association must strongly object to making any of the proposed tiers mandatory. The Association bases this objection on several factors:

1. It is the belief of the Association that mandating provisions that exceed the *Planning Act* and the *Building Code Act, 1992* is not legal. To support our position on this matter, we have retained Leo Longo of Aird & Berlis LLP, to provide a legal opinion on this matter, which will be forwarded to you in the coming weeks.
2. The Association is a strong advocate of making home ownership more affordable. The Whitby Sustainable Development Guidelines committee, comprised of Town staff and consultants, have not performed any costing and are not able to provide concrete information on how this will affect affordability. By mandating a long list of items that developers and builders must add to their subdivision and site plans, as well as to the designs of their homes, the Whitby Green Standard will inevitably add significant costs to house prices in Whitby. This is in direct opposition to encouraging more affordable homeownership. One of the main goals of the More Homes, More Choice Act (Bill 108) was to make housing of all types more affordable which the Whitby Green Standard directly threatens.

3. The new required checklists will require multiple municipal departments to be involved in approvals, which will add delays to timelines, and ultimately adds costs to developments.

4. Chief Building Officers across the province cannot and will not inspect any elements above and beyond the Ontario Building Code. By mandating building above code, the Town of Whitby will not be able to properly inspect these homes, and this could open the municipality up to potential lawsuits from homeowners.

The Durham Region Home Builders' Association would like to make it clear that we support building more efficient homes, and we often champion guidelines such as Energy Star® and Net Zero Ready to our builder and developer members. Currently, 20 per cent of housing starts are being built to Energy Star® standards, and the Association believes that number will only increase. But it must be done at an appropriate pace that can manage costs and new technologies. That being said, we are also of the belief that the Ontario Building Code is the only standard that is mandatory in the province of Ontario.

The Durham Region Home Builders' Association would be supportive of these measures if they were made voluntary, with the proper financial incentives, but we cannot and will not support any mandatory measures proposed or implemented by the Town of Whitby.

We are available to answer any questions you may have and look forward to further communications with you on this matter.

Sincerely,



Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

cc:

Jade Schofield, project manager, sustainability & climate change strategic initiatives, Town of Whitby
Johnathan Schickedanz, president, DRHBA
Tiago Do Couto, vice-president, DRHBA