

Update

Municipal, Planning and Property Tax

April 20, 2009

The City of Toronto Proposes a New “Green Roof” By-law

The City of Toronto is proposing to enact a by-law requiring “green roofs”. This By-law, and green roofs more generally, have both been the subject of considerable discussion. Concerns have been expressed by developers that the costs associated with the requirements are prohibitive and that questions about whether and how these roofs can be constructed are being swept aside. On the other hand, supporters of the initiative complain that the By-law has been “watered down” and contains too many exemptions.

The By-law will be considered at a public meeting before the Planning and Growth Management Committee Meeting on May 6th. Deputations may be made.

When a Green Roof would be Required

The By-law would require all new buildings and additions to existing buildings of 5,000m² or greater to install a green roof, for a certain proportion of the available roof area. The only exemptions are:

- residential buildings with a height of less than 23 metres;
- public or separate schools;
- industrial buildings; and
- non-profit housing.

Calculating the Green Roof Requirement and Available Roof Area

The proportion of roof area required to be devoted to a green roof is determined on a sliding scale on the basis of gross floor area, as described in the following chart:

Gross Floor Area	Proportion of Available Roof Area required to be a Green Roof
5,000-9,999m ²	30%
10,000-14,999m ²	40%
15,000-19,999m ²	50%
20,000m ² or greater	60%

What is “available roof area”? Almost everything. The exclusions are limited to: areas on the roof designated for renewable energy devices (wind and solar); non-vegetative areas required by the Toronto Green Roof Construction Standard; and private terraces no greater in area than their abutting residential unit. Mechanicals and outdoor amenity space are not excluded from the calculation of available roof area.

Where the building consists of a tower above a podium, and where no storey in the tower above the podium level has a floor plate area exceeding 750m², the tower roof area may also be excluded from the calculation of available roof area and the required green roof can be constructed solely on the podium roof.

Green Roof Construction Standard

Minimum requirements for construction and maintenance of green roofs are contained in the By-law. It is expected that technical standards for green roofs will still be in development at the time of the By-law's passing. Significant concerns remain regarding the relationship between the green roof standards and the Building Code.

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Process to Request a Reduction or Exemption

This By-law will be enacted under the *City of Toronto Act* and not under the *Planning Act*. There will be no recourse to the Committee of Adjustment or the Ontario Municipal Board. An application to reduce the green roof coverage requirement may be made to the Chief Planner. One may also apply for a complete exemption from the requirement to provide a green roof, subject to approval by Council. If a reduction or exemption to the green roof requirement is approved, then a cash in lieu payment at the deemed cost per square metre of the roof requirement (\$200/m² currently) will be required.

Conclusion

The By-law is proposed to come into effect on January 31, 2010. Only building permits issued prior to that date and active complete building permit applications as of that date are proposed to be excluded from the By-law.

If you have any questions with respect to this By-law, please do not hesitate to contact any member of our Municipal Group:

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