

June 26, 2025

Ministry of Municipal Affairs and Housing
Provincial Planning Branch
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Toronto, ON M7A 2J3

PlanningConsultation@ontario.ca

To Whom it May Concern

Re: Proposed Regulations: ERO 025-0462 & ERO 025-0463

Please find staff comments below on the above-noted ERO postings.

1.0 Comments on ERO number 025-0462

Proposed Regulation – Study Requirements (Complete Application) and Certified Professionals

1.1 Study Requirements (Complete Application)

While the new regulation may result in consistency in required reports and studies in conformity with the Official Plan, the following concerns are noted:

- It is recommended that the determination of required studies be delegated to individual municipalities, as they are best positioned to assess local conditions, planning priorities, and community needs. This approach allows for greater flexibility and ensures that study requirements are context-specific and aligned with municipal objectives.
- Overall, the proposed changes would have the effect of reducing the number of studies that make up a complete application which may affect the quality and completeness of information required for the development review process and create risks for the municipality with respect to decision making.
 - For example, if a particular study required to assess specific impacts is not submitted (e.g. sun/shadow study), the municipal staff may not have the complete information, in order to make a professional recommendation and may potentially create an adverse situation for the adjacent residents e.g. adjacent residences may not receive sunlight in winter seasons.

- Similarly in the absence of a Lighting Plan, light trespassing on to the neighboring properties or lighting levels (low lighting levels may result in unsafe conditions for users while high levels may result in over lit properties) might not be assessed in approving a development application.
- In many cases, once the developer/builder completes the projects and problems begin to arise as a result of undesirable conditions, the municipalities are left to deal with those situations while the residents remain impacted.
- There may be situations where local context and site-specific conditions for a proposed development may trigger the need to require specific studies which may or may not be included in the Official Plan e.g. hydrogeological studies to assess water balance, ground water, etc. particularly in the context of the Town of Whitchurch-Stouffville.
- As the Town of Whitchurch-Stouffville grows and intensifies with compact development, it is vital to manage its built form and the pedestrian realm as well as complex matters often arising on sites, resulting in requirements for specialized studies. Sun/shadow, wind, urban design and lighting studies help ensure these areas remain comfortable, with height, massing, privacy, sun and shadow impacts often top concerns at public meetings. In such situations, the municipalities would be at a risk to proceed with decision-making on such applications in the absence of required information.
- The proposed regulation states that “In cases where an exception is required to enable additional studies, municipalities may seek approval from the ministry.”
 - While Bill 17 makes it clear that the municipalities may only be able to require studies that are listed in the municipal Official Plans, it is unclear as to what the process would be, should a municipality require additional studies through Ministerial approval such as timing for such requests to the Ministry, staff or Council level request, justification requirements, etc.

1.2 Certified Professionals

- A blanket approach to certified professions is not supported given the required specialized subject matter experts, especially in the Town of Whitchurch-Stouffville, which is subject to numerous Provincial Plans and policies including very specific technical study requirements.
- Staff will be restricted to comment on studies and reports (“materials”), should the materials be prepared by a prescribed professional and these materials would be required to be accepted by the Town.

- Staff have concerns that in a situation that the submission materials prepared by a prescribed professional are of poor quality, incomplete or do not meet the municipal criteria or standards, the materials would have to be deemed complete regardless, by the municipality. This can cause significant issues and poses risks for the municipality as well as issues at the Ontario Land Tribunal with respect to quality of information provided by prescribed professionals and acceptance of information. This can also lead to delays in decision-making by the municipality, leading to potentially more OLT appeals for either non-decisions or refusals of applications.

2.0 Comments on ERO number 025-0463

Proposed Regulation – As-of-right Variations from Setback Requirements

2.1 Minor Variances

While staff supports the proposed regulation in principle as it would help reduce unnecessary burden from the residents in instances where the setback reductions are technical in nature, existing setbacks, resulting due to other requirements, do not impact functionality of the site, do not impact adjacent lands, etc., staff have the following concerns:

- Minor variances are not to be based on numerical assessment; it is rather the quality of the variance that make it minor in nature. By allowing as-of-right variations to setbacks, it would be difficult to address the impact of the reduction which may be less than 10% but the impact may be significant.
- As-of-right variations for already reduced existing legal non-complying conditions may pose significant concerns and conflicts.
- It is not clear if the as-of-right variations would be considered on a one-time basis for development. If there is no restriction on the number of times as-of-right variations can be used, the owner may be able to secure such as-of-right variations multiple times which cumulatively could result in undesirable conditions.
- May result in conflicting and varying interpretation of the zoning by-law by staff responsible to implement and enforce the zoning by-law e.g. planning, zoning staff, building inspectors, by-law, etc.
- It is recommended that there be flexibility and discretion granted to municipalities to review development applications on a case-by-case basis to implement the as-of-right variances. However, in relevant instances, municipalities should also have the ability to not exempt development applications from as-of-right variances where the impacts of the reductions to setbacks may worsen an existing situation (e.g. already reduced setback) and cause adverse impacts on either the subject lands or adjacent lands (e.g. drainage, accessibility). Allowing discretion to municipalities for as-of-right

variances would also ensure that life and safety matters are addressed, and that intensification sites and compact developments are not further compromised and undesirable conditions created.

- The same comments apply for additional performance standards, should the Ministry consider granting as-of-right variations to additional performance standards.

We thank you for the opportunity to comment on these matters.

Thank you,

A handwritten signature in black ink, appearing to read 'Meaghan Craven', written in a cursive style.

Meaghan Craven MCIP, RPP
Manager, Policy Planning

cc. Dwayne Tapp, Commissioner of Development Services
Hena Kabir, Manager Development Planning