

June 11, 2025

Submitted online and via email to [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

**RE: Proposed Planning Act and City of Toronto Act, 2006 Changes  
(Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster  
and Smarter Act, 2025)**

The City of Guelph (the "City" or "Guelph") appreciates the opportunity to provide feedback on the amendments to the *Planning Act* introduced as part of Bill 17. Below, you will find the overall comments, concerns, and recommendations regarding the main changes:

**Ministerial Zoning Order (MZO) Conditions:**

Bill 17 amends the *Planning Act* to allow the Minister of Municipal Affairs and Housing (the Minister) to impose conditions (i.e., on municipalities or proponents) that must be met before a use permitted by a Minister's zoning order comes into effect.

The City of Guelph is broadly supportive of these changes. Conditions that are registered on the title of a property under an MZO will clarify the legal requirements that a property owner must follow, especially if a property subject to an MZO changes ownership over the course of the development. Conditions which are registered on title are binding on current and future property owners.

For the City of Guelph in particular, the City requests that one of these conditions be related to infrastructure capacity. As MZOs do not require the completion of a Land Needs Assessment there is no ability or resourcing to update infrastructure-related master plans to be consistent with newly established growth. The City of Guelph is a groundwater-dependent municipality, with drinking water supply presenting a very real limit to the City's capacity to plan beyond its current population growth to 2051.

As part of the site plan control and plan of subdivision process, the City is responsible for developing legal conditions that the proponent must abide by. These conditions include the timing of infrastructure works. The City of Guelph requests that the Province of Ontario utilize Section 51(25) of the Planning Act, 1990 as a starting point for developing conditions to be included in an MZO. Furthermore, the City of Guelph also requests that health and safety and environmental-related conditions be included as conditions, especially if the MZO exempts the proponent from site plan control. These conditions could include but should not be limited to, stormwater management, environmental impact reports, tree permits, applicable species-at-risk approvals, Permits To Take Water, Source Protection Plan and Environmental Compliance conditions.

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The City of Guelph would also appreciate clarity on the recourse available for the Province, City and property owner if conditions are not met. There must be a process set up for expedited dispute resolution. If dispute resolution is not successful, the City of Guelph recommends that this is grounds for the MZO to be revoked.

Beyond comments on the specific conditions imposed as part of an MZO, the City would like to bring to attention the [comments it has previously provided on the MZO framework](#). The City of Guelph kindly requests that the Provincial government review these comments as many of them still apply to this proposed change. Understanding that the Provincial government is not currently seeking comments on the use of MZOs, the City of Guelph would like to continue to reiterate that MZOs work best when done in collaboration and cooperation with municipalities. This would include the development of conditions that the municipality would be responsible for as well as any landowner within a municipality. The City of Guelph requests that the municipality and the applicant for the property that is subject to an MZO always be present and provide input when conditions are drafted.

### **As-of-right Setback Variances:**

Bill 17 grants the Minister the regulation-making authority to provide for as-of-right variations from municipally-prescribed setback distances that could be allowed without the need for a Minor Variance application. The ministry is currently consulting on a draft regulation under this proposed authority which would exempt any variations within 10 per cent of prescribed setback requirements from the need for a Minor Variance application.

The City of Guelph appreciates the Provincial government's efforts to provide more flexibility for urban development. The following are some general comments and recommendations that would help ensure that these changes do not have adverse local impacts, and that the planning environment remains conducive to building homes while respecting local planning authority:

#### **1. Including opportunity for local input & evaluation:**

While the City of Guelph acknowledges that a 10% reduction in a minimum setback provided is generally minor in nature and would likely be recommended by City of Guelph planning staff, there are instances where local context, site layout, and surrounding features can have a significant impact on this type of application. For example, while hazardous lands and lands near shorelines or railways are specifically acknowledged as areas for potential exclusion, it is not clear if this would also apply to lands that are adjacent to the Natural Heritage System or cultural heritage resources. In addition, it also does not account for lands where there may be stormwater management concerns which could result in increased flooding. Including municipal expertise in planning recommendations is necessary to ensure efficient and effective local planning that is sensitive to development matters as well as the wider range of issues in the municipality. For example, when preparing the City of Guelph's new Comprehensive Zoning By-law, setbacks

were specifically crafted to permit street trees, drainage, emergency access, and landscaped open space, which are part of various matters of provincial interest under the Planning Act, 1990. In particular, considering that the Provincial government states that this proposed change will have a neutral impact on the environment, ensuring that this remains the case with stormwater management will be critical to minimizing negative effects.

As such, the City of Guelph recommends that the Province of Ontario permit municipalities to utilize Section 45(1.0.1) of the Planning Act, 1990 to set criteria whereby these as-of-right variances may be permitted or not permitted.

## **2. Support for Community Planning Permit Systems:**

As part of this consultation, the Ministry has also requested feedback on allowing variations “as-of-right” for additional performance standards such as height. The City of Guelph would recommend that the Province of Ontario give municipalities increased support in developing Community Planning Permit (“CPP”) Systems and CPP By-laws which give municipal staff increased discretion to decide on variances, where appropriate, rather than relying on a centralized approach. The City of Guelph has recently developed a CPP By-law for a Strategic Growth Area, which is an initiative under the City’s Federal Housing Accelerator Fund agreement. The City of Guelph is also developing a CPP By-law for its Downtown Area, which is a Protected Major Transit Station Area. CPP By-laws can give staff the authority to vary performance standards such as height in exchange for community benefits, such as affordable housing or parkland. The Province could provide municipalities with support to develop CPP By-laws through targeted financial supports and provide education and outreach on the benefits of a CPP System for the development community. Alternatively, the Province could explore allowing conditional zoning in certain circumstances to achieve similar objectives.

Finally, the City wants to note that municipal approval times are not necessarily a barrier to housing development, and that the 12-15 month delay attributed to Minor Variance applications in the Technical Briefing for this proposal is not consistent with our experiences in the City of Guelph. The City of Guelph has recently prepared a new Comprehensive Zoning By-law that permits four units as-of-right, and has upzoned certain sites in the City, provided there is sufficient infrastructure capacity for new development. In addition, the City has also made considerable effort to improve the minor variance process, including establishing an online application portal. As such, in Q4 2024, the City of Guelph found that 95.5% of minor variance applications were decided within the legislated timeline set out in subsection 45(4) of the Planning Act, 1990 according to our Quarterly Provincial Data Report submitted to the Ministry of Municipal Affairs and Housing.

### **Standardized Planning Application Requirements:**

Bill 17 grants the Minister the regulation making authority to standardize the rules for what information and studies municipalities can require as part of complete planning applications. As part of this authority, the Minister will be able to designate:

- The topics that could not be required for a complete application,
- The only studies that could be required as part of a complete application, and
- The certified professionals from whom municipalities would be required to accept studies.

The ministry is also currently consulting on a draft regulation under this proposed authority, which would prohibit municipalities from requiring Sun/Shadow, Wind, Urban Design, and Lighting studies as part of complete planning application requirements.

While the City of Guelph appreciates the Provincial government's efforts to streamline the development review process, the City of Guelph is concerned with the proposed removal of municipal autonomy over submission requirements for development applications.

The City of Guelph acknowledges that there can be delays in the processing of development proposals but has found these delays are often the result of the quality of the study received or omissions in data or analysis at which point further information may be needed. Further, logistical implications of needing to include multiple review bodies can result in additional delays in processing time. The City of Guelph has already commenced significant work to streamline the development review process through digital planning process improvements which are anticipated to reduce the total time taken to approve development applications. These process improvements will make it easier for applicants, staff, and commenting bodies to review applications and submit materials, decreasing review time. These types of changes to streamline the development review process can support the removal of barriers while maintaining the development standards that municipalities and residents have determined necessary to maintain desirable urban characteristics and health and safety priorities.

The City of Guelph is concerned that the inability of staff to request studies deemed appropriate at the time of application could result in delay or conditions on approvals and may require additional applications including Official Plan amendments if these studies are not submitted. Study requirements assist with responding to matters of provincial interest under the Planning Act, 1990. Without studies indicating how development will meet municipal and provincial priorities, planning authorities will be faced with a lack of information to properly inform and support decisions that have regard for matters of Provincial interest and are consistent with the Provincial Planning Statement. Further, requiring studies deemed appropriate at the time of application ensures that staff have the information needed early in the review process. Redefining the timeframe for certain study submissions to after conditional approval is anticipated to prolong

the review process, causing delays in approvals and increases in time to building permit issuance.

*Removal of sun/shadow, wind, urban design and lighting studies:*

The City of Guelph does not agree with the proposed regulation to remove the ability of municipalities to request information or materials concerning sun/shadow, wind, urban design or lighting as part of a complete application. The City of Guelph has the following concerns with this proposed regulation:

- These studies can be critical elements to ensure that proposed development fit within the surroundings. These types of studies are especially important for in-fill development providing linkages, compatibility with adjacent built form, including heritage properties or attributes, usability of parkland and ensuring that new development remains appropriate and complimentary within the urban landscape.
- Inclusion of information and materials related to these topics also support sustainable development and design and climate change mitigation. An inability to include information and materials pertaining to these topics would affect the City's ability to meet its net zero targets, and to implement our Climate Adaption Plan to prepare and recover from the impacts of climate change. Green Development Standards in particular were supported by the Ministry of Municipal Affairs and Housing in 2023, in a letter that stated "the government recognizes the important work being done by municipalities through green standards to encourage green-friendly development and is committed to supporting these efforts." The information in these studies is used to assess new development against the City's sustainability targets with the goal of creating resilient buildings and communities and which are part of matters of provincial interest under the Planning Act, 1990.
- Adherence to the City's policies and guidelines, through the requirements for sun/shadow, wind, urban design and lighting studies builds public trust in the development process which should not be understated and protects private and public spaces. Public trust and support is needed for the Province of Ontario to meet its housing targets. The City of Guelph would caution that removal of these studies may facilitate erosion of public trust as it relates to infill development and intensification.
- Furthermore, there is no indication that requiring these studies increases application review timelines with experience indicating that the studies and related professionals work in collaboration to achieve amicable resolutions to issues raised. Instead, additional development applications may be required, including Official Plan amendments if these studies are not provided.

The City of Guelph requests that these studies not be removed from the list of material or information that may be required as part of a complete application. If the Province does decide to go forth with the identified change the City of Guelph requests modification that information relating to the topics of sun/shadow, wind, urban design or lighting may be contained within other required studies such as a Planning Justification Report.

*Determining certified professionals for planning studies:*

While Bill 17 grants the Minister regulation-making authority to specify certified professionals from whom municipalities would be required to accept studies, it is not clear at this stage what that regulation may look like. The City of Guelph is concerned that pre-emptively determining which certified professionals can submit studies may overlook the fact that some experts may not be appropriate for the completion of all studies. For example, Environmental Impact Studies are often completed by professionals without specific credentials or designations. As such, the City would like confirmation that certified professionals will be listed as appropriate for all types of studies. The City also has concern that limiting study completion to only a number of certified professionals, as defined in other legislation, could cause greater demand among a limited number of consultants. It is also concerning that consultants may not address all of the sections in the Official Plan or Zoning By law which may not reflect policies that are important to a specific municipality and may result in challenges to professional associations and the codes of conduct, or result in application refusal. The City of Guelph would appreciate clarity and consultation opportunities as the Ministry develops further regulations specifying prescribed professionals.

**Streamlined School Zoning:**

Bill 17 amends the *Planning Act* to exempt all portable classrooms at public schools from site plan control, and allows K-12 public schools as of right on all urban residentially-zoned land.

The City of Guelph is generally supportive of these changes. Currently, the City of Guelph Official Plan already permits schools in all residential designations, though this legislation now requires the inclusion of more permissive zoning provisions, to allow schools in all residential zones. While the City does not have significant concerns with this change, the City would request confirmation that while schools would be permitted in all residential zones as of right, all zoning regulations would still apply. Further, confirmation is requested that there would be no changes to the use of site plan control for schools. Clarification is requested as to if this would apply to all schools under the Education Act as defined by the Ministry of Colleges and Universities Act. Clarification is requested if this proposal would include private schools. Clarification is also requested as to what is defined as an ancillary use to a school.

The changes also include the removal of use of site plan control for portables on school property where a school was built after January 1, 2007. The City of Guelph does not have significant issue with the general removal of site plan control for these purposes, though it is requested that the Province consider the Ontario Building Code regulations for portables to ensure that all health and safety requirements are included. We would also request that the legislation be clarified to ensure that portables are not located on areas of stormwater control features, as we have seen in the past and that there be a clear path of travel for emergency vehicles to reach the portables. Further, the city has numerous school sites that are located adjacent to or integrated within municipal parks. The City would request that where school sites are integrated with or located on adjacent

lands to parks, site plan review continue, to ensure they would not adversely impact park access or use.

**Closure:**

We appreciate this opportunity to provide input on this proposal. Should you have any questions about the feedback provided, or require additional details please do not hesitate to contact the City at [intergovernmental.relations@guelph.ca](mailto:intergovernmental.relations@guelph.ca).

Sincerely,

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