

Re: Comment from the City of Kawartha Lakes in Response to ERO No. **025-0462**

June 19, 2025

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch

13th Floor, 777 Bay St.
Toronto ON M7A 2J3
PlanningConsultation@ontario.ca

Dear Minister Flack:

Thank you for this opportunity to provide comments on the proposed regulations under the Planning Act and City of Toronto Act to regulate application requirements and submissions from certified professionals.

In our comments on the proposed changes to the Planning Act (ERO No. 025-0461), we explained that we were hesitant to support the regulation-enabling legislation because the proposals appear to require further refinement. It's not clear to us that the list of prohibited studies will expand and/or shrink in the future which causes uncertainty and slows down the planning process. It is also unclear if we would still be able to comment on the content of these studies as we process applications. We suggest more consideration be given before enshrining in legislation or accompanying regulations.

The four proposed studies we would be prohibited from requiring for complete applications appear somewhat arbitrary and, in our experience, have not caused delay for proponents. For example, a photometric plan (a lighting plan) is typically a single drawing that shows how light will be distributed across a site, primarily to ensure light does not spill over onto neighbouring properties. They are not complex nor do they take long to complete. Only very rarely would we ask for one for a residential development; they are more likely required for a commercial development. Regarding wind or shadow studies, the City of Kawartha Lakes has only rarely asked for a shadow study and they



are not onerous. Perhaps these studies cause delays in other jurisdictions. We should not be subject to rules intended for other areas of the province with large urban developments. We feel provincial involvement at this level will ignore the local context and that a one-size-fits-all approach will cause unnecessary delays and complications.

The posted ERO does not provide any reason or justification for prohibiting the four listed studies. Of particular concern is urban design. The areas of provincial interest, as legislated in the Planning Act, include the “orderly development of safe and healthy communities” (section 2(h)), and the “promotion of a built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant” (section 2(r)). The new Provincial Planning Statement, 2024 prioritizes the achievement of “complete communities.” It is through the development of urban design policies and guidelines that municipalities are able to have regard for these provincial interests and achieve “complete communities.” Urban design is not about superficial aesthetic elements, but about how we can shape our communities so they are distinct, with unique character and sustained as places that are valued. Rather than prohibiting urban design from the planning process, the Minister should prohibit the inconsistent application of urban design requirements and requests and, instead require planning authorities to develop an established set of urban design policies and guidelines. This will streamline the planning process as both the proponent and the municipality will have an agreed on set of policies and guidelines.

We are concerned that Ministerial involvement with a one-size-fits-all approach will cause unnecessary delays developing complete and distinct communities.

We have concerns regarding the proposed requirement that municipalities accept studies from certified professionals. In practice, we already accept many studies as complete when they come from qualified professionals such as professional engineers or accredited landscape architects. But that is to our professional discretion. Like the above discussed proposal to prohibit four studies being required for complete applications, the legislation is too vague. We’re asked to provide a review, but we don’t know what professionals or what credentials will be able to submit studies without review.

More practically, sometimes studies or drawings done by experienced professionals contain errors, such as an incorrect calculation or a legacy line on a drawing. These



errors are, hopefully, noted by the municipality's review and the author of the study or drawing is asked to make the corrections. This is the normal, collaborative process between proponents and municipalities. We ask for clarification that this process may continue.

Perhaps the intent of the regulation is simply that municipalities accept a study or drawing from certain professions as part of deeming an application complete, and the Minister is aware that comments and revisions are often required. Please clarify if that is the case. If so, we hope the Minister will re-visit the legislated timeframe between deeming an application complete and rendering a decision to allow sufficient time for this to occur. If it's agreed that comments and revisions are normal practice, this should be acknowledged in the legislated timeframes.

Should you wish to discuss this matter further, please reach out at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Mark Jull".

Mark Jull, PhD, RPP, MCIP
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