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Ministry of Municipal Affairs and Housing
Provincial Planning Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3
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) ([ERO 025-0461](#))

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to the legislative changes to the *Planning Act* and *City of Toronto Act* by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). It is noted that Bill 17 received Royal Assent on June 5, 2025, six days prior to the deadline for comments through the Environmental Registry of Ontario. These comments and recommendations are being submitted to ensure that the City's position regarding these changes is known and that future legislative changes to the *Planning Act* and *City of Toronto Act* can address our recommendations.

Below is a summary of the City's comments.

- Streamlining complete application requirements in the *Planning Act* and *City of Toronto Act* are **supported in principle**, however, over-regulating these requirements at the provincial level is likely to result in a one-size-fits-none approach, adding cost, time and potentially undue municipal risk to the development application review process.
 - The City is committed to working with the Province towards achieving provincial objectives in a manner that mitigates unintended consequences.
 - To this end, the City encourages the Province to undertake meaningful in-depth technical consultation with municipalities to better understand the wide range of municipal development contexts and application requirements municipalities rely on to address matters of health, safety, accessibility, and sustainability.
- Prior to meaningful consultation, the City **does not support** the *Planning Act* and *City of Toronto Act* changes that would allow the Minister to prescribe which certified professionals a municipality would be required to accept studies from as part of a complete application.
 - Importantly, requiring municipalities to accept information and materials prepared and certified by a prescribed professional as "complete" regardless of municipal staff's assessment of whether it is, in fact, complete, will delay the review process until information that staff require for the purpose of review is provided.
 - There may also be instances where different certified professionals for different studies make incompatible recommendations.

- As municipalities will be unable to compel prescribed professionals to update information and materials, this may lead to indefinite delay or additional internal due diligence (review or study) by municipalities, which is both costly and time consuming.
- Changes to the *Planning Act* to prohibit Official Plans and Zoning By-laws from restricting public elementary and secondary schools on lands with residential permissions is **partially supported**, however, this change creates a policy conflict with the Provincial Planning Statement that should be resolved. Specifically, Policy 5.2.6 prohibits the development of day cares and schools in hazardous lands. There are some instances of urban residential lands in the City of Toronto that are located within hazardous lands and therefore would be required to permit the development of schools and ancillary day cares. In alignment with Policy 5.2.6, it is recommended that schools and ancillary day cares not be permitted in hazardous lands.
- Changes to the *Planning Act* to allow the Minister to prescribe “as-of-right” variances for setbacks are **not supported**. The proposed approach may have unintended consequences that make the application of zoning standards unnecessarily complex, less transparent and understandable to the public, with less predictable outcomes. For example:
 - Required setbacks in zoning by-laws may relate to non-obvious factors, such as implementing separation distances from sensitive uses, industrial and utility facilities, TTC/Metrolinx transit infrastructure, or natural heritage features.
 - Required setbacks in zoning by-laws may also be derived from other standards, such as protecting for adequate paths of travel for Fire & EMS access to a garden suite, required vehicular maneuvering and parking space dimensions, and protecting for site permeability and tree protection necessary for climate adaptivity.
- Changes to the *Planning Act* to add conditions to the issuance of a Ministers Zoning Order (MZO) are **partially supported**. However, to ensure that financial and operational risks to the City are mitigated, it is recommended that Section 47 of the *Planning Act* require prior consultation with affected municipalities if a condition would require a landowner to enter into an agreement with a municipality.
 - For example, if a condition is attached to an MZO that requires a landowner to provide a childcare centre, without prior consultation with the City, the childcare centre may not be designed and zoned in a way that meets the City’s Childcare Development Guidelines. Furthermore, the Childcare Centre may be in a location that is already adequately served and therefore does not align with the City’s infrastructure Plans.

The enclosed attachment contains the City’s full comments and recommendations on the changes to the *Planning Act* and *City of Toronto Act*. Please note that the City has also submitted feedback regarding the proposed regulations for as-of-right variations from setback requirements ([ERO 025-0463](#)) and complete applications ([ERO 025-0462](#)).

Should you have any questions regarding the City’s submission or would like to arrange a meeting with City staff, please contact Corwin Cambray, Director, Strategic Initiatives, Policy & Analysis Section (416-388-1910) and/or Michelle Drylie, Director, Development Process & Technology, Development Review Division (416-392-3436).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

Valesa Faria
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Bill 17: Clause-By-Clause Review				
Section of Schedule	Description of Change	Impact Assessment	Level of Support	Recommendation Modifications
Schedule 3 – City of Toronto Act, 2006				
1 (1)	Remove the timing restrictions with respect to when a portable classroom was placed on a school site for the purposes of the definition of “development” in subsection 114 (1) of the Act.	This change presents minimal impact to the City in terms of application volume and value-added application review.	Support	No Recommendations
1 (2)	Reflecting that information and material the City may require of an applicant is subject to regulation.	Same as 1 (4)	Do Not Support	Same as 1 (4)
1 (3)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession.	<p>Same as 1 (4) This change presents a range of potential impacts to the City, including but not limited to:</p> <ul style="list-style-type: none">• Being required to deem an application requirement “complete” in cases where it is incomplete.• Inability to require changes or improvements to an application requirement prior to it being deemed complete, thereby pushing those changes or improvements from the complete application stage to the review stage, causing additional back-and-forth and delay.• Per the comment above, inability to effectively implement the City’s two-step circulation process, which ensures effective and timely processing of complete applications.• Updates to Terms of Reference for application requirements to specify which prescribed professions can certify an application requirement, or a specific aspect of an application requirement in cases where multiple prescribed professions may be required.• Potentially confers undue risk to the City in cases where the City is required to accept an application requirement that is either incomplete or for which the prescribed profession does not have appropriate expertise.• If implemented appropriately (including appropriate risk mitigation), this change may enable the City to remove existing Peer Review processes for certain application requirements (e.g., Air Quality, Noise, Vibration, Odour, etc.)	Support in Principle	<p>The City supports this change in principle and suggests the following modifications:</p> <ul style="list-style-type: none">• The Province consult with municipalities prior to issuing further regulation identifying prescribed professions.• Any regulation should specifically identify which categories of application requirements each prescribed profession can appropriately certify.
1 (4)	Ministerial authority to issue regulations related to the information and material that may or may not be required as part of a complete Site Plan application.	<p>This change presents a range of potential impacts to the City, including but not limited to:</p> <ul style="list-style-type: none">• Unnecessarily limiting the City’s ability to establish and maintain application requirements through a typical Official Plan Amendment process.• Inappropriate standardization of requirements at the Provincial level, including potentially requiring information and materials in contexts where they are not relevant and not requiring information and materials in contexts where they are needed.	Do Not Support	The City has established a “best in class” process for managing application requirements included in Schedule 3 of the Official Plan. The City recommends the Province consult with municipalities, and specifically the City of Toronto, to gather best practices related to management of application requirements, including the City of Toronto’s Staff Guide to Developing and Updating Application Requirements and Standard Application Checklist.

Bill 17: Clause-By-Clause Review				
Section of Schedule	Description of Change	Impact Assessment	Level of Support	Recommendation Modifications
		<ul style="list-style-type: none">Increased administrative burden for the City and applicants to track and manage changes to application requirements in multiple locations (i.e., regulations and the Official Plan)		
1 (4a)	Ministerial authority to issue regulations related to prescribed professions	Same as 1 (3)	Support in Principle	The City supports this change in principle and suggests the following modifications: <ul style="list-style-type: none">The Province consult with municipalities prior to issuing further regulation identifying prescribed professions.Any regulation should specifically identify which categories of application requirements each prescribed profession can appropriately certify.
Schedule 7 – Planning Act, 1990				
1 (1)	Prohibits Official Plans from including policies that would prohibit public elementary or secondary schools (and ancillary uses such as child care centres) on any lands that have residential permissions (i.e. “urban residential land”)	Same as 1 (2)	Partially Support	Same as 1 (2)
1 (2)	Any existing Official Plan policies that prohibit public elementary and secondary schools on lands that have residential permissions are of no effect.	There are five land use designations in the Official Plan that permit residential uses: Neighbourhoods, Apartment Neighbourhoods, Mixed Use Areas, Institutional Areas, and Regeneration Areas. The Official Plan does not prohibit public elementary or secondary schools in these land use designations. As such, the Official Plan already conforms to this change.	Partially Support	This change potentially causes a policy conflict with Provincial Planning Statement policy 5.2.6, which prohibits development of pre-schools, school nurseries, day cares and schools in hazardous lands. There are some instances of “urban residential land” that are within hazardous lands where elementary schools and secondary schools would be permitted despite this policy if this change to the Planning Act receives Royal Assent.
2 (1)	Municipalities shall obtain written approval from the Minister prior to an OPA related to application requirements.	This change is unlikely to impact the City in the near term as OPA 720, which updated Schedule 3 of the Official Plan came into effect in June 2024 and no further updates to application requirements are planned.	Do Not Support	The City does not support this change as it introduces an additional, undefined administrative process to obtain written approval from the Minister. The City recommends the Province continue to allow municipalities to advance Official Plan Amendments to manage application requirements at the municipal level. In cases where Ministerial approval is preferred, the Province should rely on the existing Ministerial approval mechanism under Section 26 of the Act for OPAs that affect application requirements.
2 (2)	Repeal of the provision that requires municipalities to obtain written approval from the Minister prior to an OPA related to application requirements, once a subsequent regulation is in effect.	Same as 2 (1)	Do Not Support	Same as 2 (1)
3 (1)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 22)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
3 (2)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 22)	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
4 (1)	New subsections 34 (1.4) to (1.7) of the Act set out rules with respect to minimum distances that buildings on certain lands must be setback from parcel boundaries. (i.e. “as-of-right variances”)	The approach may have unintended consequences that make the application of zoning standards unnecessarily complex, less transparent and understandable to the public, with less predictable and certain results for other minor variance applications. <ul style="list-style-type: none">The proposed “as-of-right” setback reduction is inconsistent with the Planning Act’s four tests for a minor variance, and will	Do Not Support	The City does not support this change, but recommends the Province consider making use of existing tools under the Planning Act and other legislation to improve or simplify the minor variance process. Potential alternative approaches might include: <ul style="list-style-type: none">The Minister could utilize their powers under s45(1.0.1) to prescribe criteria for Committees of Adjustment to consider in evaluating minor variances, or could exercise its powers under s70.1(1) to prescribe rules of procedure for Committees of Adjustment.

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		<p>complicate review of other minor variances on the property or abutting properties.</p> <ul style="list-style-type: none">The nature of variances is that they need to be considered in their context. A threshold percentage set out in this regulation will be inherently arbitrary, whether 10% or any other number, as a variance to a setback may be of little concern on one property but highly impactful on a different property.Required setbacks in zoning by-laws may relate to non-obvious factors, such as implementing separation distances from sensitive uses, industrial and utility facilities, TTC/Metrolinx transit infrastructure, or natural heritage features. They may also be derived from other standards, such as protecting for adequate paths of travel for Fire & EMS access to a garden suite, required vehicular maneuvering and parking space dimensions, and protecting for site permeability and tree protection necessary for climate adaptivity.The use of prescribed areas from O. Reg. 254/23 will make the applicability of the permissions unpredictable and inequitable, due to their irregular geography and the non-contextual nature of the setback relief. (e.g. one residential lot several blocks away from a rail line may receive relief for a front yard setback reduction, while the abutting residential lot would not)Projects may receive “as-of-right” setback relief, but require variances for related standards (e.g. a front yard setback reduction that would result in a substandard parking space). It is unclear how the Committee of Adjustment should consider the “as-of-right” setback relief when its impact on related standards would not satisfy the statutory four tests for a minor variance.It is unclear whether the “as-of-right” setback reduction is intended to apply to all buildings and uses, or only to development that contains residential units.The intent of the s34(1.6) transition provisions is unclear. As written these may be interpreted as excluding all existing buildings and uses, and superseding subsequent zoning by-laws that revise setback standards.		<ul style="list-style-type: none">The Minister could introduce regulations under s34(16) to prescribe criteria for Zoning with Conditions that would provide municipalities and developers flexibility in the erection or location of buildings and structures.The Province could empower municipalities to delegate certain categories of minor variances to staff, for example variances identified during a Site Plan Control approval process, rather than requiring a Committee of Adjustment hearing. Such an approach would be more consistent with delegations for:<ul style="list-style-type: none">Minor Zoning By-laws [Delegation of Minor By-laws (s39.2)]Variations from development standards in a community planning permit by-law [Community Planning Permit Systems (s70.2 & O. Reg. 173/16)] <p>If the Province proceeds with the proposed approach, we recommend that the prescribed areas for s34(1.5) be identified in the same regulation as the prescribed percentage reduction rather than through reference to the Site Plan Control sections of the Planning Act, or otherwise that the corresponding reference to Site Plan Control authority in s114(1.2) of the City of Toronto Act (and O. Reg. 255/23) be added. We further recommend that the Province give additional consideration to the transition provisions.</p>
4 (2)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 34)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
4 (3)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 34)	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
5	Housekeeping change	No comment	Support in Principle	No recommendations
6	New section 35.1.1 is added to the Act. restricting zoning by-laws with	City-wide Zoning By-law 569-2013, as adopted by Council, only permits lawfully existing schools within residential zones, with the	Partially Support	Same as 1(2).

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	respect to prohibiting the using a parcel of urban residential land for an elementary school, a secondary school or a use ancillary to such schools.	<p>expectation that any new schools would be zoned institutional. This limits the proliferation of private schools within residential neighbourhoods, and supports Provincial and City Official Plan policy direction to prioritize the retention and reuse of surplus public service facilities and open spaces for community use (see OP policies 3.2.2.2 to 5).</p> <p><i>Zoning By-law 569-2013 remains under appeal by the TDSB and TCDSB. A settlement was recently approved by the OLT, applying residential zoning with site-specific permissions for a public school on 343 (of 890) existing school sites.</i></p> <p>The impacts of this legislative change appear limited, as the permissions would not apply to private schools and the proposal does not require permitting residential uses on existing institutionally-zoned school properties. The change will require revisions to the Zoning By-law to permit public schools in residential zones.</p>		
7 (1)	Remove the timing restrictions with respect to when a portable classroom was placed on a school site for the purposes of the definition of “development” in subsection 41 (1.1) of the Act.	Same as Schedule 3 (COTA) comments on 1 (1).	Support	No recommendations
7 (2)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 41)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
7 (3)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 41)	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
8	Adds a new power under Section 47 (Minister Zoning Orders) to allow the Minister to place conditions on the issuance of a Ministers Zoning Order. A Minister Zoning Order would be of no effect until the Minister is satisfied that the conditions have been or will be fulfilled.	The impact of this legislative change is unknown as it will depend on the conditions attached to any given MZO. However, as Section 47 does not require pre-consultation with the affected municipality there is any increased risk that conditions attached to MZOs could have unintended consequences. For example, if a condition is attached to an MZO that requires a landowner to provide a childcare centre, without prior consultation with the City, the childcare centre may not be designed and zoned in a way that meets the City’s Childcare Development Guidelines. Furthermore, the Childcare Centre may be in a location that is already adequately served and therefore does not align with the City’s infrastructure Plans.	Partially Support	<p>It is recommended that:</p> <ul style="list-style-type: none">• The types of conditions that could be included as part of an MZO be clearly laid out under Section 47 or by regulation for greater clarity and certainty.• If a condition is to be included as part of an MZO that would require the landowner to enter into an agreement with a municipality, there is a requirement for the Minister to consult with the municipality prior to filing the regulation. Consultation with municipalities about proposed conditions would be valuable especially where the Ministry expects that the condition would be secured through an agreement with the municipality or there is a possibility that lands or facilities would be conveyed to the City, or the City may need to assume future operating/capital costs, etc.• Clarification be provided under Section 47 that MZO conditions do not count against either the Community Benefits Charge or Development Charge owing to a municipality.• Enact a regulation, pursuant to subsection 113 (2) of the City of Toronto Act and subsection 34 (16) of the Planning Act, to permit municipalities to use zoning with conditions.
9 (1)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 51)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
9 (2)	Provide certain rules with respect to information and material prepared by a	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)

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Section of Schedule	Description of Change	Impact Assessment	Level of Support	Recommendation Modifications
	person authorized to practise a prescribed profession. (S 51)			
10 (1)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 53)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
10 (2)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 53	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
11	Govern the information or material that may be required under various sections of the Act, specifying information or material that may or may not be required to prevail over any requirements in an official plan.	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)