



**Jason Thorne, MCIP, RPP**  
Chief Planner & Executive Director  
City Planning

Tel: 416-392-8772  
[Jason.Thorne@toronto.ca](mailto:Jason.Thorne@toronto.ca)  
[www.toronto.ca/planning](http://www.toronto.ca/planning)

City Hall,  
100 Queen Street West,  
12<sup>th</sup> Floor, East Tower  
Toronto, Ontario M5H 2N2

**Valesa Faria**  
Executive Director  
Development Review

Tel: 416-392-0602  
[Valesa.Faria@toronto.ca](mailto:Valesa.Faria@toronto.ca)

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Ministry of Municipal Affairs and Housing  
Provincial Planning Branch  
777 Bay Street, 13<sup>th</sup> Floor  
Toronto, ON M7A 2J3  
[PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

## **RE: Proposed Regulations– Complete Application ([ERO 025-0462](#))**

On behalf of the City of Toronto, we are pleased to submit the City's comments and recommendations regarding the proposed regulation under the *Planning Act* and *City of Toronto Act* that would:

- Prescribe a list of subject matters for which studies cannot be required as part of a complete application;
- Identify the only studies that could be required as part of a complete application; and
- Specify certified professional from whom municipalities would be required to accept studies.

### **Key Comments**

While the City supports streamlining and standardization of complete application requirements in principle, over-regulating these requirements at the provincial level, as proposed in Bill 17 and associated regulation, is likely to result in a one-size-fits-none approach, adding cost, time, and potentially undue municipal and public 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 consultation, the City **does not support** prescribing which subject matters can and cannot be required as part of a complete application or which certified professionals from whom municipalities would be required to accept studies.

## Prescribed Complete Application Requirements

Since 2021, the City has implemented a comprehensive work program to improve accountability, transparency and usability of application requirements and application support materials (e.g., Terms of Reference) to support predictable and consistent interpretation, use, and review of application requirements. For example, in the past four years the City has updated more than half of its Application Support Materials to provide clear guidance to applicants and support predictable and consistent review of application requirements. In recognition of these efforts, the City has been rated “**best in class**” for Application Support Materials in recent provincial and national municipal benchmarking reports.

The City **supports, in principle**, the standardization of application requirements and any application support materials (i.e., Terms of Reference) at the municipal level. However, attempting to standardize application requirements across all Ontario municipalities with distinct urban (and rural) environments is likely to result in both gaps in application requirements and unnecessary application requirements. Gaps in application requirements can add significant delay in processing development applications and increase municipal and public risk. When necessary information is missing, particularly as it relates to health and safety, staff may be unable to complete their review, exercise their delegated authority for approval, or provide expert advice to Council in support of an approval. In cases where a municipality is unable to require information and materials for specific topics, the municipality may need to pursue additional review/study, agreements, undertakings, actions, etc. These approaches will be more costly, time consuming and potentially litigious than the current approach of mitigating risk through review of complete application requirements.

Where an individual applicant has a concern with a complete application requirement, these tend to be resolved between the municipality and the applicant. The legislation continues to provide applicants a right to have the Ontario Land Tribunal determine whether any specific application requirement is reasonable for their application.

## Prescribed Certified Professionals

Requiring municipalities to accept as “complete” information and materials prepared and certified by a prescribed professional 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 or work with them to reconcile conflicting advice, this may lead to indefinite delay or additional internal due diligence (review or study) by municipalities, which is both costly and time consuming. Some application requirements include expert analysis by multiple professionals. To ensure appropriate prescribed professionals are preparing and certifying information and materials, the regulation should explicitly link specific qualifications to specific topic.

To address the impacts of Bill 109, the City implemented a two-step circulation process to ensure only complete applications are circulated, reducing time to decision for complete applications. Two-step circulation is essential to timeline management and Bill 17 will undermine the City’s ability to implement this critical process.

Should you have any questions regarding the City’s submission or would like to arrange a meeting with City staff, please contact Michelle Drylie, Director, Development Process & Technology, Development Review Division (416-392-3436) and Allyson Power, Director, Strategy & Client Relations, Development Review Division (416-392-3312).

Sincerely,

**Original signed by:**

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

Valesa Faria  
Executive Director  
Development Review