June 11, 2025

**Electronic** **Submission only**

**ATTENTION**:

Ministry of Municipal Affairs and Housing

Provincial Planning Branch

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# Proposed Planning Act Changes (Schedule 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)

[Environmental Registry of Ontario Posting 025-0461](https://ero.ontario.ca/notice/025-0461)

**Introduction**

The government is seeking feedback on potential legislative and regulatory changes to help make it easier and faster to build new homes and infrastructure like transit, roads, and water and wastewater systems as part of Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025* and associated regulations. This includes initiatives to:

* increase certainty throughout the development approvals process,
* streamline processes further to help reduce barriers, and
* reduce development costs.

**Current Posting**

Schedule 7 of Bill 17 propose the following amendments to the *Planning Act*:

**1. *Minor Variances (As of Right Variation from Setback Requirements)***

* Remove municipal zoning by-law barriers by providing for regulation-making authority that could provide for variations to zoning by-laws to be permitted “as of right” if a proposal is within a prescribed percentage of the required setback (the minimum distance a building or structure must be from a property line or other protected area) on specified lands.
	+ Specified lands would include parcels of urban residential lands outside of the Greenbelt Area, and exclude areas such as hazardous lands, and lands near shorelines and railways.
	+ This would mean that appearing before a municipal committee of adjustment would not be necessary for proposals that otherwise comply with zoning by-laws but need variations from setback requirements no greater than the prescribed percentage.
	+ The proposed changes would work with Ontario Regulation 299/19: Additional Residential Units to help create additional residential units, such as basement suites, by eliminating additional barriers related to setbacks.

**2. *Minister’s Zoning Order***

* Allow the Minister of Municipal Affairs and Housing 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.
	+ This enhanced oversight would ensure projects meet requirements and increase transparency and accountability in the Minister’s zoning order process.

**3. *Study Requirements (Complete Application) and Certified Professionals***

* Provide more consistent rules across municipalities on the information and studies that may be needed for planning applications like official plan and zoning by-law amendments. The changes would limit municipal complete application requirements to what is currently identified in the municipal official plans, any new or revised requirements would have to be approved by the Ministry of Municipal Affairs and Housing.
* Create regulation-making authority to create rules to:
	+ List topics that could not be required for a complete application,
	+ List the only studies that could be required as part of a complete application, and
	+ Specify certified professionals from whom municipalities would be required to accept studies.

**4. *Streamline Planning Approval for Schools***

* Exempt the placement of all portable classrooms at public school sites from site plan control. Currently, public school sites built prior to January 1, 2007 are exempt from site plan control when adding a portable classroom. This change would extend the exemption to all school sites.
* Amend the *Planning Act* to provide explicit permission for the use of Kindergarten to Grade 12 public schools and ancillary uses (such as associated childcare) on urban land zoned for residential uses “as-of-right". In some cases, this could remove the need for a rezoning application, saving approximately 6-18 months from the approvals process.

**Feedback**

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| **Change/s Proposed** | **City Feedback** |
| **1. Minor Variances (As of Right Variation from Setback Requirements)**  | * Staff are generally supportive of the proposed changes which would enable more flexibility and provide landowners with an option to avoid the time and cost of an application to the Committee of Adjustment.
* The Province could go further and consider delegating undisputed minor variances to staff without the need for a public hearing and Committee of Adjustment approval.
* There are some concerns around impact to stormwater drainage or potential infringement on city infrastructure/assets, including the ability to maintain this infrastructure where easements exist. Caveats could be proposed to alleviate this impact.
* Some further clarity may be helpful in implementing the proposed changes:
	+ What type of development is subject to this provision? The proposed regulation indicates setbacks in ‘specified lands’ will be permitted to deviate without a minor variance. Would this be limited to residential properties only?
	+ Would the 10% variation apply to accessory buildings and detached Additional Residential Units (ARU) buildings, decks, pools, gazebos, etc.?
	+ Some Burlington zones have maximum building setbacks – would the variation apply to the maximums as well?
	+ How would this apply to legal, non-conforming buildings/structures?
	+ In the event that a property has already received a minor variance for a setback, would a further 10% variation be permitted?
	+ Confirmation that all other regulations are applicable, and that the setback variations do not override other regulations (e.g., lot coverage).
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| **2. Minister’s Zoning Order** | * No comments.
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| **3. Study Requirements (Complete Application) and Certified Professionals** | * Allowing municipalities to add conditions to a rezoning application or broadening the use of holding provisions would allow for applications to be more readily accepted and processed.
* In addition to how MMAH would determine a qualified professional, staff require additional clarity around:
	+ Liabilities - i.e., who holds the liability in the event of a dispute or issue?
	+ The City’s ability to request additional information if submissions are not sufficient to effectively review applications.
	+ The City’s ability to review studies during the formal development application review process and requiring revisions as conditions of approval.
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| **4. Streamline Planning Approval for Schools** | * City staff are supportive of the premise of “as of right” permissions for schools in residential areas.
* In Burlington, schools and daycares are currently permitted in all residential zones.
* The proposed change does not yet specify if this can be extended to other schools as well – i.e., private schools.
* To support implementation of these changes, some additional clarity around the following may be helpful:
	+ Does the term “Urban Land” refer to urban, serviced parcels?
	+ Do the City’s performance standards related to schools (i.e., lot width, type of road the use fronts on, and building setbacks) still apply?
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**Next Steps**

Please accept this letter as the City of Burlington’s submission on ERO posting 25-0461. Given the short period for consultation the attached comments have not been approved by City Council. The contents that supported the development of this letter have been shared with the City’s Committee of the Whole and will be considered by Council on June 17th. Should Council determine that any changes to these comments are required, the Province will be advised at the earliest opportunity.

Sincerely,

Community Planning Department

City of Burlington