

Clarington

June 26, 2025

Ministry of Municipal Affairs
and Housing
Provincial Planning Branch
777 Bay Street, 13th Floor
Toronto ON M7A 2J3

By email: PlanningConsultation@ontario.ca

Re: *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17);
Comments; Environmental Registry of Ontario Postings: 025-0462, 025-0463
File No: PLN 1.1.34

Thank you for the opportunity to provide comments on the proposed information to be included in regulations under the Planning Act amendments introduced by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17).

Clarington staff supports the Province's efforts to facilitate an increase in Ontario's housing supply and associated infrastructure in an environmentally, socially, and fiscally responsible way.

Staff does not support regulations under the Planning Act that would restrict municipalities' powers in support of good community building to (i) require the submission of certain material used to assess and mitigate adverse impacts of proposed development, or (ii) review and require revisions to the contents of supporting material as part of the application review process.

Staff does not support regulations under the Planning Act that would enable as-of-right variances to zoning by-law requirements, including the proposed as-of-right variances to required yard setbacks. Multiple reduced setbacks (i.e. front, side, rear) as-of-right on every parcel of urban residential land risks adverse effects on the overall functioning of the neighbourhood.

For your consideration, please find enclosed as **Attachment 1**: Clarington's staff comments regarding information on regulations proposed for Complete Applications and As-of-Right Variations from Setback Requirements. We look forward to continuing to work together towards creating affordable, sustainable, and complete communities.

Yours sincerely,



For:

Lisa Backus, MCIP, RPP
Manager of Community Planning, Planning and Infrastructure Services

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Attachment 1: Staff Comments on Proposed Regulations under Bill 17 Amendments to the Planning Act

Item Number	ERO/ORR Number	Title of ERO/ORR Post	Overview of Proposed Change	Staff Supports Change?	Staff Comments
1	ERO No. 025-0461 ERO No. 025-0462	Proposed Regulations- Complete Application	The changes introduce new subsections to the Planning Act enabling a regulation that would restrict the types of information municipalities are able to request in support of a complete application. The information released by the Province on the proposed regulation states it would prevent municipalities from requiring information and material relating to sun/shadow impacts, wind impacts, lighting and urban design as part of a complete application.	No	<p>Staff does not support changes that restrict municipalities' ability to require information that is used to determine potential impacts of development on public safety and enjoyment of spaces in support of creating communities where people want to live, work, and play.</p> <p>Rather than eliminate required information that enables the assessment of possible impacts from a proposed development (e.g. wind study to assess impacts of a proposed development on wind conditions, ensuring pedestrian comfort and safety), the Province is requested to develop province wide standards for the various studies. Further, the Province could provide direction for when certain studies could be required to ensure they are only being requested at the appropriate development stage (e.g. a sun/shadow study should not be requested in support of a draft plan of subdivision application).</p>
2			The changes introduce new subsections to the Planning Act enabling a proposed regulation that would require municipalities to automatically accept material provided in support of a development application if the material has been prepared by a person authorized to practice the prescribed profession. Affected applications would include official plan amendments, zoning by-law amendments, site plan approval, plan of subdivision, and consent.	No	<p>Staff understands the intent of the legislation is limited to the submission of materials in support of a complete application.</p> <p>Staff supports accepting materials prepared by prescribed professionals for the purpose of deeming a development application complete. It would be helpful to understand the list of professions that would be prescribed by regulation. To this end, the Province is requested to ensure all prescribed professions are adequately regulated by independent bodies of accreditation and certification.</p> <p>Staff does not support regulations restricting the review of the contents of required material as part of the approval process. Municipalities need to be able to review the merits of the application in the context of the municipality's objectives towards good community building and safe spaces.</p>

Item Number	ERO/ORR Number	Title of ERO/ORR Post	Overview of Proposed Change	Staff Supports Change?	Staff Comments
3	ERO No. 025-0461 ERO No. 025-0463	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) Proposed Regulation–As-of-right Variations from Setback Requirements	<p>Bill 17 introduces a new subsection to the Planning Act that would enable the Minister of Municipal Affairs and Housing, by regulation, to permit prescribed as-of-right variances to municipal setback requirements on parcels of urban residential land.</p> <p>The Province is consulting on the information to be included in a future regulation, which would specify the as-of-right variations to setback requirements if a proposal is within ten percent of the setback requirement applicable to the subject lands.</p>	No	<p>Staff does not support as-of-right variances to zoning by-law requirements, including the proposed as-of-right variances to required yard setbacks.</p> <p>Municipal zone standards are established based on technical requirements and local characteristics. Each minimum standard interacts with others to create a functional building lot. For example, lot coverage and hard surface considerations for stormwater management, and minimum space requirements between walls of buildings on neighbouring properties to provide proper drainage, rear yard access etc. Where relief is required from a minimum standard, the minor variance process provides for the assessment of these area- or parcel-specific considerations to determine whether the requested variance is appropriate in that context. This local-level assessment should not be eliminated.</p>
4			<p>The Province is specifically seeking feedback in relation to its draft As-of-Right Variance regulation on whether other zoning standards, such as building height or lot coverage, should be eligible for similar as-of-right variances.</p>	No	<p>Staff does not support the universal application of as-of-right variances, and would not support additional zone standards being varied as-of-right.</p> <p>The impacts and possible unintended consequences through implementation of the proposed as-of-right variances for setbacks should be understood before additional zone standards are included.</p>