

May 21, 2025

Memorandum To: Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

From: Alex Beheshti, BURPI, MCIP, RPP

Subject: ERO 025-0462 Proposed Regulations – Complete Application

EXPERIENCE AND OVERVIEW

I am submitting comments in response to ERO 025-0462, posted on May 12, 2025, which seeks public input on potential legislative and regulatory changes to study requirements for a complete application under the Planning Act. These comments represent my own professional perspective and do not reflect the views of my current or former employers, clients, or any associations to which I have held membership.

With years of experience providing planning and economic consulting services to homebuilders, municipalities, provincial authorities, and industry associations, I have extensively analyzed application requirements. I am also the co-author of the 2020, 2022, and 2024 GTA and National Municipal Benchmarking Study, commonly known as the BILD and CHBA Municipal Benchmarking Study. Through research for these reports, I have reviewed municipal official plan policies, terms of reference documentation, and conducted interviews with homebuilders and municipal staff across Ontario and Canada.

For the planning process to be effective, all relevant parties must have the necessary information to assess a proposal's impact. For the process to be efficient, no additional information should be requested beyond what is required. Excessive documentation not only increases costs for applicants and reviewers but also prolongs review timelines, as each report demands time to prepare and evaluate.

Recently, some Ontario municipalities have significantly expanded their lists of required documentation, creating additional burdens on applicants and planners. For example, the 2024 BILD and CHBA Municipal Benchmarking Studies found that Caledon now lists 124 potential required documents, while Hamilton has proposed increasing its list from 45 to 93 reports.

This growing complexity forces both applicants and municipal planners to sift through extensive lists of requirements, often without clear guidance. Many municipalities have not developed supplementary terms of reference to assist staff or applicants in understanding documentation expectations.

A key issue in the review process is its incentive structure, which promotes requesting more information rather than less. Missing a report carries greater risks for both applicants and municipal reviewers than including an unnecessary one. As a result, the default approach is to ask for or provide excessive documentation, leading to inefficiencies. The province recognizes this problem and is now addressing it through proposed legislative and regulatory changes.

However, I believe there is room for improvement that can be made to the government's proposed legislative action through six (6) recommendations.

1. Provide Municipalities with Greater Flexibility Around Information Requirements

The current wording of Bill 17 mandates ministerial approval for municipalities to modify study requirements but does not distinguish between adding and removing reports. I recommend revising the bill to permit municipalities to revoke or reduce study requirements independently without requiring ministerial approval, while maintaining ministerial approval for additional study requirements.

2. Clarify Legislative Intent Relating to Open-Ended Study Requirements Language in Official Plans

Several municipalities have policies allowing broad discretion in requiring studies beyond explicitly listed documentation. This creates ambiguity and unpredictability. For example, Hamilton's Urban Official Plan Chapter F policy 1.19.7 e) [states](#):

In addition to the other information and materials listed in Schedule I, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete

While the proposed legislation would freeze application requirements where they are today (unless written approval is provided by the minister for changes) the current legislation is not clear how this would apply to municipalities with open-ended information policies as their official plans list potential studies not contemplated specifically as an existing requirement.

3. Restrict the Use of Information Requirements for Material Transfers

Some municipalities have used study requirements to push applicants into commitments beyond the intent of the Planning Act, such as securing affordable housing concessions outside formal mechanisms. I recommend:

- Explicitly prohibiting municipalities from using information requests to secure land, funding, or any other material transfers;
- Ensuring municipalities adhere strictly to only information-gathering objectives, preventing undue delays and negotiation pressures.

I've encountered situations where staff have intimated that a report submission was incomplete because it did not provide the demonstration that conveyances for a city building objective were being made, even when there was no such requirement or mechanism to secure these objectives through the Planning Act or any other relevant regulations/legislation.

Specifically, there have been instances where municipal staff have provided comments that a [housing report](#)¹ failed to meet the requirements outlined in the terms of reference because the report did not

¹ A report that describes how a proposed development meets Provincial, Regional, and City housing goals, including for affordable housing to middle income households.

outline the provision of affordable housing, as one of the terms of reference requirements for the report was that affordable housing was being provided.

When I pointed out that the report did make significant in-depth acknowledgments of relevant policies and legislation, I was told that unless affordable housing was acknowledged as necessary to convey to the city at no cost in the report, it could not be deemed complete. Despite the Planning Act being clear where and when affordable housing can be secured, staff implied that affordable housing could be secured as a report requirement, which goes well beyond providing information.

The ministry should consider clarifying language that information requirements cannot be a mechanism to secure any material transfers to prevent situations like the example I provided, which caused unnecessary delays and was tantamount to a shake-down attempt. This experience was not an isolated incident with a particular development or a specific municipality.

4. Standardize Study Requirement Listings In Official Plans Across Municipalities

Currently, municipalities list requirements in inconsistent ways, making it difficult to determine necessary reports. To improve transparency and efficiency, I recommend:

- Requiring municipalities to categorize study requirements systematically by application type, using standardized frameworks similar to Toronto's [Schedule 3](#);
- Implementing clear documentation categories (e.g., plans/drawings, forms, studies/reports, and other documents) to improve accessibility and understanding

5. Require Terms of Reference Before a Study Can Be Requested

Some municipalities request studies without clear guidance on what constitutes a complete submission, leading to confusion and delays. To ensure consistency, I recommend

- Mandating that municipalities publish (online if there is a website) a terms of reference for each required report before requesting it.
- Collaborate with municipalities, industry experts, and associations to develop standardized criteria for what terms of reference should have.

6. Establish Minimum Standards for Staff Recommendation Reports

Currently, some municipalities provide minimal data on key milestone dates or submitted documents in staff reports, reducing transparency for decision-makers and applicants. To address this, I recommend:

- Setting a standardized list of required information in municipal staff recommendation reports, including:
 - First submission date
 - Complete application date
 - Date of public notice
 - Number of resubmissions
 - Number of studies submitted
 - List of studies submitted
 - Related application file numbers

Some of this information is now being addressed by municipalities as part of incorporating best practices for identifying a proposal's key milestones, which the province can help to disseminate through regulations. Examples provided below include Oakville and Hamilton, which were identified in the 2024 CHBA Municipal Benchmarking Study (see page 60 in Appendix B for further details)

Major Dates in Staff Report Examples

Town of Oakville		City of Hamilton	
Key Milestones:		Processing Details	
Pre-Consultation Meeting	August 9, 2023	Received:	April 19, 2021.
Public Information Meeting	N/A	Deemed Complete:	May 13, 2021.
Pre-submission Review	N/A	Notice of Complete Application:	Sent to 128 property owners within 120 metres of the subject property on May 21, 2021.
Application Deemed Complete	August 28, 2023	Public Notice Sign:	Posted May 20, 2021 and updated with public meeting date on July 13, 2022.
P & D Council - Public Meeting	October 16, 2023	Notice of Public Meeting:	Sent to 128 property owners within 120 metres of the subject property on July 22, 2022.
Date Eligible for Appeal/Refund for Non-decision	December 27, 2023	Public Consultation:	The Applicant held a virtual Public Open House meeting on September 23, 2021, with invitations sent to 125 properties within the area. A total of 41 interested parties participated in the Public Open House meeting, and comments were provided to the applicant. The comments received during the Public Open House are provided in Appendix "F-2" attached to Report PED22139.
This application is subject to Section 34 (10.12) of the <i>Planning Act</i> as amended by Bill 97, as the application was considered complete after July 1, 2023.		Public Comments:	Letters of objection were submitted by 28 interested parties expressing concern for the proposed Official Plan Amendment and Zoning By-law Amendment applications. Public comments are summarized in the table below and are provided in Appendix "F-1" attached to Report PED22139.
		Processing Time:	477 days from date of receipt of initial Application. 106 day from receipt of revised development proposal.

Source: Altus Group Economic Consulting based on Town of Oakville and City of Hamilton Staff Reports

By implementing these recommendations, Ontario's planning process can be made more predictable, efficient, and transparent. I urge the ministry to consider these targeted legislative adjustments to improve regulatory effectiveness while reducing unnecessary administrative burdens.