



Authorized commenting Agency for



November 21, 2025

Hon. Rob Flack, Minister

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

Via email: [planningconsultation@ontario.ca](mailto:planningconsultation@ontario.ca)

Dear Minister Flack:

**RE: Bill 60, *Fighting Delays, Building Faster Act, 2025* – Proposed Changes to the *Planning Act* As-of-right Variations from Setback Requirements**  
 ERO number: 025-1097

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") are the planning consultants for TransCanada PipeLines Limited ("TCPL"), an affiliate of TC Energy Corporation ("TC Energy"). This letter is in response to proposed changes to the *Planning Act* introduced through Bill 60, the *Fighting Delays, Building Faster Act, 2025* ("Bill 60"), specifically as they relate to expanding the Minister's power to issue regulations that would allow variations "as-of-right" to minimum and maximum standards found in a zoning by-law.

Bill 17, the *Protect Ontario by Building Faster and Smarter Act, 2025* ("Bill 17") introduced amendments to Section 34 of the *Planning Act* to enable the Minister, by regulation, to permit as-of-right variations to minimum setback distances as set out in a zoning by-law if a proposal is within a prescribed percentage. "Setback distance" was defined as "*the distance that a building or structure must be setback from a boundary of the parcel on which the building or structure is located*". As set out in subsection 34(1.5), these regulations would not apply to lands within the Greenbelt Area, lands that are not "urban residential land", or lands that are in any prescribed area for the purposes of subsection 41 (1.2), being hazardous lands and lands near shorelines and railways. (as set out in O.Reg. 254/23).

Bill 60 proposes to expand upon the changes introduced in Bill 17 by further empowering the Minister to issue regulations identifying other minimum/maximum zoning performance standards for which as-of-right variations will be permitted. Regarding minimum standards, Bill 60 adds subsection 34 (1.3.2) to the *Planning Act*, which specifies that a permitted reduction of the minimum standard does not apply to a minimum setback distance.

TCPL's pipelines and facilities should be recognized as areas to be excluded from this regulation. This would be consistent with the way in which TCPL is recognized as a "specified person" under the *Planning Act*.

## Background:

TCPL operates a system of large-diameter, high-pressure inter-provincial natural gas transmission pipelines throughout the Province of Ontario, and operates associated facilities, such as industrial-scale compressor stations. TCPL's pipelines and related facilities are federally regulated and are subject to the jurisdiction of the Canada Energy Regulator ("CER"). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca). The CER has a number of requirements regulating certain activities (e.g., ground disturbance, and vehicle and equipment crossing) in proximity to the pipelines, including approval for activities within 30 metres of the pipeline centreline (the "Prescribed Area"). Written consent must be obtained from TCPL prior to undertaking such activities. TCPL's primary focus in reviewing the proposed regulation is to ensure TCPL is able to continue to operate their pipelines and facilities in a manner that protects the public, their workers, and the environment.

At the provincial level, TCPL's pipelines and facilities are defined as *infrastructure* and *major facilities* in the *Provincial Planning Statement, 2024 ("PPS")*. In accordance with Policy 3.3.1 of the PPS, corridors and rights-of-way for *infrastructure* shall be planned for and protected by planning authorities to meet current and projected needs. Further, in accordance with the policies in Section 3.5 of the PPS, *major facilities* and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities* that are vulnerable to encroachment.

Through the written consent process provided for in its federal regulations, TCPL requires appropriate setbacks from the TCPL Pipeline Right-of-Way which are essential to managing the safety and integrity of the pipelines, as well as ensuring adequate access for emergencies, operations and maintenance. TCPL engages with municipalities to identify areas where minimum setbacks should be incorporated into municipal zoning by-laws to implement TCPL's minimum setback requirements. Where it receives notices from municipalities about proposed activities in proximity to the pipeline, TCPL has an opportunity to work with proponents on their plans to conform with the Act and regulations for the safety and protection of the public, its employees, the environment, as well as its pipeline facilities and other property. To the extent that proponent's activities require an authorization from TCPL for ground disturbances or installations in proximity to its pipelines, TCPL may not authorize the installations otherwise allowed under regulations which provide an as-of-right prescribed percentage reduction where, for example, a safety risk has been identified. If such regulations were provided, TCPL would need to revisit the implementing zoning for its setbacks across the Province and increase such provisions to ensure regulated percentage reductions do not conflict with its federally regulated requirements.

## Recommendation:

As described, as-of-right variations to minimum setback standards are not appropriate for zoning regulations which provide for minimum setbacks from the edge of the TCPL Pipeline Right-of-Way. As such, we request that the *Planning Act* be further amended to include a provision that excludes as-of-right variations for setbacks from the TCPL Pipeline Right-of-Way. The suggested wording for the provision is set out below.

### ***"Same, Greenbelt***

*(1.5) Subsections (1.3.1), (1.3.3) and (1.4) do not apply to a building or structure located,*

*(d) on a parcel of land that contains or abuts a transmission pipeline right-of-way"*

Alternatively, O. Reg. 254/23 could be amended to identify lands within 30 metres of a TCPL Pipeline Right-of-Way as being a "prescribed area" for the purposes of subsection 41 (1.2) of the *Planning Act*. Suggested wording is provided below.

***"Prescribed areas***

***1. (1) The following areas are prescribed for the purposes of subsection 41 (1.2) of the Act:***

***3. Any area that is within 30 metres of a transmission pipeline right-of-way***

Sustainable growth of the Ontario real estate market is a shared interest. TCPL supports the safe, responsible growth of Ontario communities as TCPL also plays a significant role in the delivery of utility grade natural gas to residential and industrial users across the province. TCPL's requested considerations help to ensure the integrity of their operating assets, supporting the reliability and safety of the service TCPL provides Ontario residents.

Thank you for the opportunity to provide comments. Please forward a copy of your response to the undersigned by mail or by email to [TCEnergy@mhbcplan.com](mailto:TCEnergy@mhbcplan.com). If you have any questions, please do not hesitate to contact our office.

Sincerely,

**MHBC**



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*on behalf of TransCanada PipeLines Limited*