



**Greater Ottawa Home Builders' Association**  
Association des constructeurs d'habitations d'Ottawa

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November 21, 2025

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

**Re: ERO 025-1097 Proposed Changes to the Planning Act (Schedule 10 of Bill 60 - the Fighting Delays, Building Faster Act, 2025)**

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as its submission to the government's request for feedback on *Proposed Changes to the Planning Act (Schedule 10 of Bill 60 - the Fighting Delays, Building Faster Act, 2025)* (ERO 025-1097).

GOHBA has been the proud voice for the Ottawa home building community since 1951. Our 440 members include builders, developers, professional renovators, trade contractors, suppliers and manufacturers serving the residential construction and professional renovation industry.

Our comments are complementary to and in concert with those of the Ontario Home Builders' Association as the provincial voice of the residential construction industry.

GOHBA strongly supports the government's efforts to streamline the construction of new homes and infrastructure (e.g., water, wastewater, roads, transit) and we are pleased to provide specific comment on some the proposals.

**Minor Variances (As-of-right Variations from Performance Standards)**

As per our comments earlier this year to ERO 025-0463 (*Proposed Regulation – As-of-right Variations from Setback Requirements*), GOHBA supports legislative and regulatory changes that help to make it easier and faster to build new homes.

However, we question the purpose of one of the revisions (detailed at the end of this section) and request clarification or modification.

We are supportive of efforts to streamline the planning process by reducing the number of minor variance applications required, and we view the proposed as-of-right approach as a meaningful step in the right direction.

For the government to really make an impact with the proposed regulation, we submit that:

- 1) The proposed 10% threshold is not enough
- 2) The scope of the regulation should extend beyond setbacks
- 3) Avoiding CoA hearings reduces delays and costs

The proposed 10% threshold is not enough

Allowing variations to zoning by-laws within a prescribed percentage of required setbacks is a promising start. However, if the overarching goal is to reduce the number of applications submitted and hearings held before municipal Committees of Adjustment (CoA), GOHBA believes that the proposed 10% threshold would not be impactful enough to shift outcomes.

To support the development of effective regulations, GOHBA conducted an analysis of the most frequent types of minor variance applications brought before the City of Ottawa Committee of Adjustment, Panel 1 and Panel 2, across 2023 and 2024.

The data collected draws on real experiences to guide the province in this regulation. Based on our data, minor variance applications for front, rear and side yard setbacks often exceed the 10% threshold proposed.

The findings, summarized below, provides insight into the average requested change for setbacks, and demonstrates that the percentage needs to be much higher to effect change:

<u>Variance Type</u>	<u>Average Requested Change</u>
Front yard setback	Reduced by 33.32%
Rear yard setback	Reduced by 40.73%
Minimum interior side yard setback	Reduced by 35.08%

GOHBA's analysis demonstrates that the most common types of variance requests for setback reductions far exceed the proposed 10% and average closer to 30%. If the Government really wants to reduce planning applications for minor variances, GOHBA would submit that the regulation should permit variation to a zoning by-law to be "as of right" within 30%.

The scope of the regulation should extend beyond setbacks

Furthermore, while GOHBA strongly supports the proposed direction to allow as-of-right permissions for minor variances, we encourage the Ministry to consider extending this approach beyond just setback reductions. Flexibility in lot width, lot area, and building height would have a large impact on enabling intensification and unlocking infill opportunities.

Our analysis shows that as-of-right permissions should also include these minor variances in future regulatory amendments:

- Minimum lot area
- Minimum lot width
- Maximum building height
- parking spot width

While GOHBA strongly supports the proposed direction to allow as-of-right permissions for minor variance applications, we encourage the Ministry to extend this approach beyond just setback reductions.

#### Avoiding CoA hearings reduces delays and costs

In past submissions, GOHBA has raised concerns about Ottawa's CoA systemic issues in process and practice. Highlighting inconsistent decision-making and lengthy delays. Reducing the number of applications that must appear before the CoA will expediate approvals, reduce administrative burden and lower costs. More timely and efficient outcomes for municipalities, builders and the community is the end goal.

This exercise would also align with the government's objectives in this area to speed up development application processing, reduce costs, and help create additional residential units by eliminating barriers

#### Question on Transition Provisions

GOHBA believes greater clarity is required about the purpose and intent of the transition provisions imposed by subsection 34(1.5.1), which provides that, despite any subsequent change to a prescribed percentage in the regulations, the minimum or maximum standard for a particular building, structure or parcel of land is:

- i) the date a building permit was issued for the building, structure, or parcel of land; or*
- ii) where no building permit was required, the date that lawful use of the building, structure or parcel of land was established.*

This approach appears to "freeze" performance standards for a specific lot at a point-in-time, without the benefit of future changes in the regulation or – possibly – subsequent amendments in the zoning by-law.

Protection for lawfully-established uses is already guaranteed through subsection 34(9) of the Planning Act. No amendment appears to be necessary to ensure the legal non-conforming rights of uses established in accordance with the prescribed minimum and maximum standards.

If the intent is to provide greater clarity, the proposed subsection 34(1.5.1) may have the unintended effect of stifling redevelopment of a property with an existing building, structure, or use, by preventing changes to the applicable minimum or maximum standards, which shall

always be deemed to be those in force on the date the original use was commenced or first building permit was issued.

***GOHBA strongly urges the government to clarify or revise this wording so it achieves what was intended, or simply strike out this particular provision.***

### **Policy Statements and Minister's Decisions**

GOHBA is supportive of this change.

### **Minister's Zoning Orders**

GOHBA is supportive of this change.

### **Protected Major Transit Station Areas**

While GOHBA wants to see accelerated approvals and high-density construction in PMTSAs, we are leery of the Minister giving up PMTSA policy approval rights and therefore the ability to correct unforeseen issues

As an example, the City of Ottawa is “qualifying” PMTSAs through its approach to zoning individual transit stations.

GOHBA believes that the areas around LRT stations / “Hubs” in Ottawa’s Official Plan / PMTSAs play a critical role in the City’s housing goals, and should be used to provide more housing than the approximately 45,000 units currently envisioned in the OP, as well as ensuring a built-in ridership base for our LRT system which continues to suffer from lacklustre ridership.

It is critical to note that PMTSAs are where the Official Plan conceives that most high-density multi-family buildings will be located. It’s also supposed to be where the most affordable housing moving forward will be offered in the city - 1, 2 and 3 bedroom apartments that are close to a transit.

In September 2023, the City approved an Omnibus OPA where it incorrectly asserted that some LRT stations in PMTSAs - either built, under construction, or planned - do not trigger greater heights because they are not “key transfer stations”. The term “Key transfer station” does not exist in a single policy document of the City of Ottawa, and it is not defined in the Planning Act, the 2020 Provincial Policy Statement (in place at the time) nor the 2024 Provincial Planning Statement.

Moreover, there is direction from the Province that the areas around all transit stations are expected to accommodate more residential density. It is therefore GOHBA's position that the City is incorrect when it attempts to qualify different types of PMTSAs in order to limit density and heights in particular ones.

We are very concerned with this line of thinking, that it could be assumed in other municipalities, and the negative impact it could have on the municipal intensification goals, as well as housing affordability and supply for residents across Ontario.

The PMTSA is such a sensitive and impactful tool that the province should safeguard its utility against issues like the above, not to mention Inclusionary Zoning, Community Benefits Charges, and Cash-in-lieu of Parkland policies.

GOHBA urges the Minister to retain approval rights for PMTSA policies in order to address any issues that arise.

### **Community Improvement Plans**

GOHBA is supportive of this change.

As an example, Ottawa's Brownfield Community Improvement Plan has been a significant benefit to the City and residents by encouraging the remediation of contaminated sites - many of which are infill sites, often at key locations within the existing urban fabric - and transforming them into desirable residential intensification. This is especially important for transit-oriented development, where most, if not all, LRT sites are contaminated.

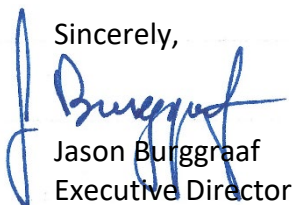
CIPs should be viewed as a land use and economic development tool for a municipality and developers to work in partnership, and a concrete measure that actively supports sustainable development goals. It is also important to note that the increase in property tax revenue from such sites is in perpetuity for a municipality, a value which far exceeds the one-time cost of a CIP.

### **Conclusion**

We thank the Ministry for the opportunity to comment.

We are pleased to answer questions or provide further information as requested.

Sincerely,



Jason Burggraaf  
Executive Director