

November 21, 2025

Submitted online and via email to PlanningConsultation@ontario.ca

RE: Proposed Planning Act Changes (Schedules 10 of Bill 60 – Fighting Delays, Building Faster Act, 2025)

The City of Guelph (the “City” or “Guelph”) appreciates the opportunity to provide feedback on the amendments to the *Planning Act* introduced as part of Bill 60. Below, you will find the overall comments, concerns, and recommendations regarding the proposed changes:

As-of-right Minor Variances:

Proposal summary:

Schedule 10 of Bill 60 proposes changes to the *Planning Act* which would grant the Minister of Municipal Affairs and Housing (the Minister) the authority to issue regulations permitting percentage-based variations from various zoning standards without the need for a Minor Variance application. This proposal builds on the *Planning Act* amendments introduced by Bill 17 in June 2025, which provided for as-of-right variations from setback distances.

Comments:

In principle, the City is supportive of the objective to streamline development applications that conform with the intent of development standards but require a minor variance. However, consistent with the [City’s comments in response to the Planning Act amendments in Bill 17](#), the City remains concerned about the potential for blanket variance allowances to remove municipal context and knowledge from planning decisions. This proposal raises questions regarding the definition of “minor” when it is defined by a blanket regulation rather than a case-by-case assessment of local context and impact that occurs through the current minor variance review process. For example, the current minor variance review process may focus on potential negative impacts on existing neighbourhoods, which are evaluated through the “minor” test and public consultation.

There are many scenarios where the City has set development standards to reflect requirements of the Province, or for reasons of health and safety, and any variation beyond what is permitted would not be minor. For example, we require certain setbacks to establish a minimum accessible access path – any reduction would render the space inaccessible and not meet Accessibility for Ontarians with Disabilities Act. Other examples of standards which should not be subject to as-of-right variances could include parking space dimensions (minimum size needed to safely accommodate vehicles), accessible parking requirements, and zoning requirements stemming from the Ontario Building Code, such as

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-822-1260
TTY 519-826-9771
guelph.ca

minimum floor areas. Additionally, site-specific provisions are typically established with the intent that they will not require a minor variance, because the standard applies only to that site.

Finally, the City has concerns regarding the percentage-based variance allowance that would be enabled under this change. Should the Minister adjust or eliminate the regulation after municipalities have adapted to the regulation, it could create uncertainty in development and render some zoning standards ineffective.

Additionally, the percentage-based formula would impact standards unevenly in absolute value terms, presenting potential challenges in application and interpretation. For instance, a 10 per cent increase in height for a two-storey building does not result in an additional storey, but the same variance for a 20-storey building results in two additional storeys of height. Any regulations that provide an as-of-right variation should consider how it would impact the extreme edge cases.

Recommendations:

Ultimately, there are substantial local considerations which go into minor variance decisions, and the process under Section 45 (1.0.1) of the Planning Act remains the most appropriate tool in most cases to evaluate and permit minor variances.

However, the City recognizes the urgency of increasing housing supply and streamlining development applications. To support these goals while ensuring protection of communities, the City of Guelph urges the province to support municipalities in developing Community Planning Permit ("CPP") Systems and CPP By-laws. These planning tools give municipal staff increased discretion to decide on variances in certain high-growth areas, which reduces reliance on committees while maintaining municipal autonomy in decision making.

The City of Guelph has recently developed a CPP By-law for a Strategic Growth Area, which is an initiative under the City's Federal Housing Accelerator Fund agreement. The City of Guelph is also developing a CPP By-law for its Downtown Area, which is a Protected Major Transit Station Area. CPP By-laws can give staff the authority to vary performance standards such as height in exchange for community benefits, such as affordable housing or parkland. The Province could provide municipalities with support to develop CPP By-laws through targeted financial supports and provide education and outreach on the benefits of a CPP System for the development community. Alternatively, the Province could explore allowing conditional zoning in certain circumstances to achieve similar objectives.

Inapplicability of Provincial Policy Statements to Minister's Decisions:

Proposal summary:

Schedule 10 of Bill 60 proposes changes which would exempt the Minister's decisions from having to be consistent with provincial policy statements – namely, the [Provincial Policy Statement](#) (PPS). This exemption would apply retroactively to the Minister's decision made prior to the potential passing of Bill 60.

Comments:

The City of Guelph is concerned about the implications of exempting Minister's decisions from having to be consistent with the PPS or any other policy statements issued under Section 3 of the Planning Act, 1990. As stated in the "Role of the Provincial Planning Statement" section of the PPS, "the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping achieving the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians." The PPS is not only foundational to Ontario's policy-led planning system, but is also foundational to the principle of the rule of law in the planning system. The Province of Ontario should abide by the same rules and policies required of municipalities.

The PPS was created by Ministry staff with significant public consultation. This consultation resulted in a robust public interest that is clearly present throughout the document. The PPS also requires significant coordination, as set out in Policy 6.2.1, with various levels of government, external agencies, and boards. While this coordination can take time, it does create better planning outcomes and enhances the quality of life of Ontarians. Removing the leading role of the Minister as part of that coordination risks fragmenting planning across the Province, leading to less clarity for both the development community and the public.

Additionally, the PPS already provides flexibility for the Minister. For example, Policy 6.1.4 states that "when implementing the Provincial Planning Statement, the Minister of Municipal Affairs and Housing may make decisions that take into account other considerations to balance government priorities." These other considerations could include individual priority provincial projects.

Furthermore, in an increased time of distrust in public institutions, the public expects transparency and accountability. The Provincial Planning Statement helps to set the basic policy framework so the public understands the province-wide planning objectives. Moving away from this framework in any capacity signals that the policies in the Provincial Planning Statement can be considered optional if they can be bypassed. Retroactive application also undermines local decisions and trust in the process. It creates uncertainty, presents challenges around legal clarity, and potentially result in conflict with Official Plan policies, which are required to be consistent with the PPS.

Finally, the planning profession must act in the public interest as non-partisan actors despite working with various partisan positions. At the municipal level, planning staff give their professional recommendations and advice to an elected Council. The Provincial Planning Statement offers accountability and consistency which builds public trust in the land use planning system.

Recommendations:

Should the Province move forward with this proposed change, the City of Guelph highly recommends that a transparent and accountable oversight framework be developed, including the requirement for a published professional planning opinion in support of the Minister's decision. This would assist in maintaining

Ontario's policy-led planning system and give municipal staff a clear analysis when reviewing and implementing Minister decisions.

Changes to the Status of Minister's Zoning Orders:

Currently, Minister's Zoning Orders (MZO) are considered regulations under the *Planning Act*, and must be filed with the Registrar of Regulations subject to the *Legislation Act, 2006*. Schedule 10 of Bill 60 proposes to exempt all new MZOs from the application of the *Legislation Act* to allow the issuance of MZOs as non-regulatory orders.

The City of Guelph is concerned that in the context of increased MZO use by the province, further expediting the MZO process may result in MZO designations becoming more advantageous and preferred over the typical planning process. As MZOs by-pass the typical planning process, there is a risk that MZO permitted land uses may divert servicing capacity from already planned developments, and thus result in delays for planned growth and additional expenses to re-direct and increase servicing capacity ahead of schedule. This is especially of concern in Guelph, which as a groundwater community faces a hard limit on drinking water availability, and must allocate its drinking water strategically to manage existing demand and meet its growth targets.

Despite these concerns, the City of Guelph continues to believe that MZOs should be available but rare in their use, and subject to an increased level of public information and scrutiny. The City of Guelph understands that modernizing the filing and searching process may be necessary to expedite the approval of MZOs. That being said, it is not clear how filing requirements through the Registrar of Regulations slow down the MZO process so significantly that a legislative change is required.

Recommendations:

Regarding this specific proposed change, MZOs being subject to the filing requirements of the *Legislation Act, 2006* means that they must always be readily available as a matter of law and can be easily found and reviewed by any member of the public. The City of Guelph requests clarity that if the Province moves forward with this proposed change, that all MZOs will still have a public commenting period, facilitated through the Environmental Registry of Ontario (ERO) or some other hosting location. If another hosting location is chosen, this should be widely advertised and clearly navigable. As well, the City of Guelph requests clarity that MZOs can still be subject to a judicial review.

Furthermore, the final posting location of MZOs should also be widely advertised and clearly navigable. The City of Guelph would recommend that the current "Zoning Order Framework" webpage be considered as an option.

The City of Guelph is broadly supportive of changes to enable the Minister to specify timelines related to MZO agreements and make further orders if agreements are not satisfied. The City of Guelph continues to ask that the crafting of any MZO agreement, timeline, or satisfaction criteria involve the municipality where the MZO is located.

Simplified Protected Major Transit Station Area Amendments

Protected Major Transit Station Areas (PMTSAs) are a planning tool which allows municipalities to designate lands near high-order transit stations such that some transit-supportive policies, such as minimum densities, are not subject to appeal. Currently, all amendments to PMTSAs must go through Ministerial approval, however, Schedule 10 of Bill 60 would remove the Ministerial approval requirement for PMTSA amendments which authorize additional residential use.

The City of Guelph is generally supportive of giving municipalities more autonomy in the planning process for PMTSAs. The City of Guelph currently permits residential uses in four of the ten land use designations in the City's Downtown Secondary Plan Area, which is the City's only PMTSA. As part of this proposed change, the City of Guelph would encourage the Province to maintain that decisions on Official Plan Amendments within a PMTSA are not subject to appeal.

The City notes that the change as presented is quite limited in that it would apply to OPAs that only permit residential uses. This would be uncommon, because permitting residential uses, such as through changing the designation, could also impact built form standards such as height and density permissions. This would likely require a site-specific amendment, which may be subject to Ministerial approval and could also be contrary to the Province's other consultation to consolidate and streamline official plans and designations.

The City also notes that land use planning and growth within many PMTSAs across Ontario is currently managed and guided by secondary plan policies. Recent consultations on the Environmental Registry of Ontario, particularly [ERO 025-1099 – consultation on simplifying and standardizing official plans](#) proposes prohibiting the use of secondary and site-specific plans. Prohibiting the use of secondary plans, particularly within PMTSAs raises concerns about the potential for fragmented, uncoordinated growth around transit stations. Without a broader strategy for growth or comprehensive planning frameworks within these areas guiding development and infrastructure investment, municipalities may not be able to coordinate land use decisions in an effective and comprehensive manner, undermining the long-term transit-oriented planning objectives.

Closure:

We appreciate this opportunity to provide input on this proposal. Should you have any questions about the feedback provided, or require additional details please do not hesitate to contact the City at intergovernmental.relations@guelph.ca.

Sincerely,

Krista Walkey, MCIP, RPP

General Manager, Planning and Building Services
Infrastructure, Development, and Environment
City of Guelph

T 519-822-1260 extension (2395)

TTY 519-826-9771

E krista.walkey@guelph.ca