

Ministry of Municipal Affairs and Housing
 Provincial Planning Branch
 777 Bay Street
 Toronto, ON M7A 2JA

April 27, 2026

Re: [ERO 026-0312](#) - Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act

The City of Mississauga has reviewed the proposed legislative changes shared through the above listed registry posting and would like to provide the following comments and suggestions for your consideration.

Description of Changes and Comments to the Province

Summary of Proposed Provincial Changes	Staff Comments on Potential City Impacts / Comment to Province
<p>Bill 98 prescribes criteria for the ability of a landowner to identify lands with encumbrances or POPS for conveyance and related implementation matters to implement the provisions of Bill 23 that remain pending.</p> <p>Proposed changes include:</p> <ol style="list-style-type: none"> 1. A municipality can now require the landowner to enter into an agreement if it intends to accept lands that are encumbered with infrastructure, easements or other encumbrances. 2. Clarification that POPS does not need to be located adjacent or in proximity to City-owned parkland. 3. In addition to the landowner’s right to an appeal of a refusal by a municipality to accept landowner-identified lands to the Ontario Land Tribunal (OLT) previously included in Bill 23, a landowner now has the right to appeal to the OLT when the municipality does not make a decision within 90 days of receiving such a proposal. 4. The conveyance of landowner-identified POPS and/or lands with encumbrances are eligible for a minimum 70% credit towards the City’s parkland conveyance requirement if the 	<p>While the City acknowledges that Bill 98 is a positive step in establishing a clearer legislative framework for determining what lands are eligible for parkland conveyance, the City has identified a number of areas of concern and where further clarification is required. In particular, the proposed changes raise questions related to municipal authority, financial implications for municipalities and the future landowners or corporations, technical standards, and implementation. The City’s comments and requests for clarity are outlined below:</p> <p>Municipal Authority, Discretion, and Governance</p> <ul style="list-style-type: none"> • Bill 98 will establish legislation which may require the City to accept landowner-identified parkland for conveyance in Character Areas where parkland is not needed. This can lead to the unintended and unnecessary creation of fragmented parkland blocks that will require future development and maintenance which will exacerbate existing pressures on capital and operating budgets. The municipality should still have the discretion to accept the parkland type subject to criteria set out in the City’s Parkland Conveyance By-law or cash-in-lieu of parkland when requested.

<p>proposed conveyance is approved by the OLT.</p> <p>5. For POPS and/or lands with encumbrances to be conveyed for park or other public recreational purposes, the following suitability criteria must be satisfied:</p> <p>Eligible for conveyance</p> <ul style="list-style-type: none"> • Ineligible lands include lands with contamination, lands affected by natural and human-made hazards and lands where parkland would interfere with or compromise natural heritage features and areas. Lands that would not support park uses due to the inability to accommodate fill and/or soil depths to meet Ontario Building Code requirements for structural footings or support tree planting are also noted as being ineligible however, it is not clear if this criterion applies for the City. <p>Accessible, visible and comfortable for use</p> <ul style="list-style-type: none"> • Lands shall be accessible by all users directly from the public realm and readily visible from the public realm. • Lands must be of a size and shape that are capable of serving park or other public recreational purposes. 	<ul style="list-style-type: none"> • It is unclear if the proposed legislation and regulation will be sufficient to ensure the City's desired programming of the required parkland. It will be important for municipalities to retain authority to determine the programming of all parkland types including POPS. Facilities and amenities should also be constructed, maintained and operated to the satisfaction of the municipality. • The City should have the authority to set additional criteria within the City's Parkland Conveyance By-law that provides more prescriptive requirements for encumbered parkland and POPS such as minimum street frontage requirements. • Will the City have the authority to include conditions, obligations and details such as long-term maintenance requirements, reserve funds, structural certifications and lifecycle cost replacement of public works in an agreement for a strata park that will be registered on title? Similarly, will the City have the power to ensure future Condominium Corporations satisfy all requirements in an agreement related to the ongoing operations, maintenance and inspection of programming on POPS? For example, municipalities inspect playground equipment for safety. If discrepancies are found during an inspection within a POPS, does the municipality have the authority to require the Condominium Corporation to comply and repair unsafe equipment? <p>Financial Implications and Fiscal Sustainability</p> <ul style="list-style-type: none"> • Bill 98 may incentivize landowners to opt for parkland conveyance over cash-in-lieu of conveyance. This will have the effect of 1) reducing the City's cash-in-lieu reserve fund; and 2) reducing the City's ability to acquire parkland in all areas of the City including areas which have parkland deficits that may not experience the same level of development and therefore require direct acquisition to satisfy parkland needs. • There are anticipated issues regarding maintenance, operations, and programming with a developer assigning future responsibility of a POPS to a residential Condominium Corporation. A residential Condominium Corporation may not be adequately equipped or funded to maintain a POPS and the associated facilities and
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	<p>amenities to the City's standards in the long term.</p> <ul style="list-style-type: none"> • The proposed changes may have implications in making housing less affordable for future tenants part of a residential Condominium Corporation that is responsible for a park. The financial responsibility for the lands will be shifted from the developer to the future residents of the Condominium Corporation as they will be responsible for bearing the costs of operations, maintenance and renewal of the lands as necessary. • As previously noted, there will be a significant pressure on capital and operating budgets should the City be required to accept Strata Parks. Is the Province proposing additional funding strategies to assist in park replacement and maintenance? <p>Development Process, Timelines, and OLT Implications</p> <ul style="list-style-type: none"> • The 70% credit appears to only apply to OLT-approved proposals for parkland conveyance. This will incentivize all landowners to appeal applications to the OLT in order to potentially receive the 70% credit resulting in a larger number of appeals and delays with the OLT appeal process which the Province is already trying to resolve. • What is the rationale for the 70% and for the application of 70% to both POPS and encumbered parkland? • Is the Province intending to create a new municipal process for approval of parkland conveyance with the 90-day timing or will 120 days apply for combined Official Plan Amendment/Zoning By-law Amendment applications? As currently written, municipalities may need to establish new review timelines for the parkland component of a development application. This is not appropriate as development applications should be reviewed holistically and not as separate components. <p>Technical Standards, Design, and Suitability Criteria</p> <ul style="list-style-type: none"> • Do the fill and soil depth requirements apply to the City or only to the specific areas currently identified (lands within the Greenbelt, etc.)? This appears to be a formatting issue on the ERO webpage.
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	<ul style="list-style-type: none"> • It will be important for the municipality to have discretion of determining what constitutes “accessible, visible and comfortable” under the Province’s land suitability criteria. For example, the City’s Terms of Reference for a qualitative/quantitative wind study should apply to protect park users from adverse wind conditions. • With regard to the soil depth requirements, reference is made to accommodating structural footings as per the Ontario Building Code, which deals only with built structures, as well as accommodating tree planting. Will there be separate requirements for accommodating park amenities? Additionally, there is a difference of opinion on what constitutes an acceptable soil depth requirement. <p>Evidence Requirements and Landowner Attestations</p> <ul style="list-style-type: none"> • Where the Province makes reference to an attestation from the landowner to confirm that the identified parkland is considered eligible for dedication, what evidence will be required to be submitted to support that claim? This should be expanded to include the supporting studies which demonstrate the identified parkland satisfies the suitability criteria. • The new eligibility criteria for parkland conveyance includes lands within and adjacent to natural heritage features so long as they do not interfere with or compromise those areas. The City requests clarity on what studies and / or evidence will be required to support such a claim. It is also not clear regarding what the test would be for “interference or compromising”.
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If you have any questions or require additional information, please contact Shaesta Hussen, Planner at (905) 615-3200 ext. 5532.

Sincerely,



Ben Phillips
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cc. Leadership Team
Jason Bevan, Director, City Planning Strategies
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