



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

#108 – 30 Concourse Gate, Nepean, ON K2E 7V7  
Tel: (613)723-2926 Fax: (613)723-2982

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Ministry of Municipal Affairs and Housing  
Municipal Finance Policy Branch  
777 Bay Street, 13th floor  
Toronto, ON M7A 2J3  
MFPB@ontario.ca

**Re: ERO #026-0312 Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act**

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as a submission to the government's request for feedback on *Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act* (ERO #026-0312).

Our comments follow on and complement our submission to ERO #019-6172 *Proposed Planning Act and Development Charges Act, 1997 Changes: Providing Greater Cost Certainty for Municipal Development-related Charges* and 25-MMAH003 *Changes to the Development Charges Act, 1997 to Simplify and Standardize the Development Charge (DC) Framework*. We also support the comments of the Ontario Home Builders' Association and our fellow municipal HBAs across the province.

GOHBA has been the proud voice for the Ottawa home building community since 1951. Our 450+ members include builders, developers, professional renovators, trade contractors, suppliers and manufacturers serving the residential construction and professional renovation industry.

GOHBA appreciates the opportunity to provide input on the proposed legislative and regulatory changes under the *Building Homes and Improving Transportation Infrastructure Act, 2026*.

**GOHBA's Position**

GOHBA strongly supports the Province's efforts to modernize and standardize the parkland dedication framework across Ontario.

The proposed regulation represents an important and necessary evolution in planning policy that recognizes the realities of contemporary urban development, the need to accelerate housing supply, and the importance of ensuring municipal parkland policies align with provincial intensification objectives.

GOHBA is supportive of developing a Minister's regulation under the *Planning Act* to prescribe criteria for developer-identified parkland and related implementation matters for the conveyance of developer-identified lands for municipal parkland dedication.

GOHBA is also strongly supportive of implementing provisions in Bill 23, the *More Homes Built Faster Act, 2022*, that are not yet in force, that would provide for:

- developer-identified lands, including land with encumbrances and POPS arrangements, to count towards municipal parkland dedication requirements; and
- the landowner to be able to appeal to the Ontario Land Tribunal (OLT) in cases where the municipality rejects developer-identified land, with the OLT required to order the land to be conveyed to the municipality if it meets prescribed criteria.

Historically, rigid and overly aggressive parkland requirements have disproportionately impacted the very forms of development that provincial policy seeks to encourage, including infill housing, mid-rise intensification, and high-density development near transit.

Flexible approaches involving encumbered lands, POPS, alternative interests in land, and hybrid conveyance arrangements are essential tools for delivering both housing and publicly accessible open space in urban contexts.

### **Standardized Criteria**

For several years, GOHBA and its members have raised concerns about increasingly restrictive and inconsistent municipal approaches to parkland dedication.

In Ottawa specifically, the implementation of aggressive parkland policies created significant uncertainty for development applications, particularly for infill, transit-oriented, mid-rise, and high-rise projects.

These municipal policies often worked directly against stated provincial and municipal objectives related to housing affordability, intensification, and transit-supportive growth.

The challenge has not simply been the amount of parkland sought by municipalities, but also the rigid manner in which municipalities have interpreted what constitutes acceptable parkland.

Ottawa adopted highly restrictive criteria regarding encumbered lands, privately owned public spaces, and alternative ownership or access arrangements. This approach did not consider how modern urban development functions and how publicly accessible open space is increasingly delivered within dense urban environments.

GOHBA strongly supports the Province establishing clear and standardized provincial criteria regarding:

- encumbered lands;
- publicly accessible privately owned spaces;
- strata and alternative interests in land;
- owner identification of parkland lands; and
- municipal acceptance criteria.

Standardization is essential to reduce inconsistent municipal interpretation and implementation across Ontario. Without clear provincial direction, municipalities will continue to apply differing local standards that create uncertainty, increase costs, reduce housing supply, and frustrate intensification objectives.

### **Encumbered Lands**

Municipal acceptance of encumbered lands for parkland is particularly important. In many urban contexts, especially within transit-oriented communities and protected major transit station areas, it is simply not feasible to provide entirely unencumbered parkland.

Urban sites routinely require underground parking structures, utilities, stormwater infrastructure, transit facilities, easements, and other infrastructure elements beneath publicly accessible open spaces.

Urban parks frequently only require use of the surface area of the land for its public function.

GOHBA strongly supports regulatory provisions that permit parkland to be encumbered by both below-grade and above-grade infrastructure. This flexibility is critical to ensuring that meaningful public spaces can still be delivered while allowing sites to develop efficiently and achieve provincial housing and density objectives.

Further to this, there are many instances of development downtown and inside the greenbelt where an encumbrance below or above grade can and should be acceptable. Similarly, whether land is sloped or oddly shaped should not stop the land from being utilized as park space. It is not feasible to demand that all parkland be unencumbered.

Allowing encumbered land below or above grade to be included as parkland is a welcomed and very cost-effective solution to help new developments afford to create new parkland. Therefore we urge the government to expand this change to include above grade infrastructure.

GOHBA notes that the City of Ottawa's list of exclusions for lands that are 'not-acceptable' for being dedicated as parkland is greater than other municipalities in Ontario. The impact of this extensive list of non-acceptable land is that it diminishes land available for

development (it impacts the units per hectare targets set by the city) and thereby requires that even more land be available within the urban area.

The regulation must also ensure municipalities cannot categorically reject encumbered lands through any local policies or internal guidelines when provincial criteria are met.

### **Privately Owned Publicly-accessible Spaces (POPS)**

Similarly, GOHBA strongly supports the recognition and crediting of privately owned publicly accessible spaces toward parkland obligations. POPS have become an increasingly important tool in urban development and city-building, particularly in dense urban environments where traditional parkland conveyance may not be practical or desirable.

These spaces can provide meaningful and functional public gathering areas while also supporting better urban design, pedestrian connectivity, and more efficient land utilization.

The regulation should clearly require municipalities to recognize and credit qualifying POPS toward parkland dedication obligations where provincial criteria are met.

### **Conveyance**

GOHBA also supports flexibility with respect to how parkland may be conveyed or secured. Modern urban development increasingly relies on alternative legal and ownership arrangements, including easements, strata interests, leasehold interests, and public access agreements.

Fee simple conveyance should not be the only acceptable mechanism available to municipalities where permanent public access and functionality can otherwise be secured.

The regulation should also expressly permit:

- easements;
- strata interests;
- leasehold interests;
- public access agreements; and
- other non-fee-simple arrangements.

The proposed framework appropriately recognizes that landowners and applicants are often best positioned to determine how parkland can be integrated into a development in a manner that balances urban design, infrastructure constraints, housing delivery, and public accessibility.

GOHBA strongly supports an applicant-driven process for identifying lands intended to satisfy parkland obligations.

Applicants are best positioned to determine how parkland can be effectively integrated into a development while balancing:

- site constraints;
- infrastructure requirements;
- urban design;
- transit-oriented planning; and
- housing delivery objectives.

Municipal refusal should only occur where identified lands fail to satisfy clear and objective provincial criteria. The burden should rest with municipalities to demonstrate why lands are unsuitable.

### **Appeal Rights**

With respect to the above, GOHBA also strongly supports maintaining meaningful Ontario Land Tribunal appeal rights where municipalities refuse lands identified by an owner.

Robust appeal mechanisms are essential to ensuring consistency, accountability, and predictability in implementation. Clear timelines, notice requirements, evidentiary standards, and expedited procedures will be necessary to ensure the new framework functions effectively.

### **Land Suitability Criteria – Ineligible Land**

GOHBA generally supports the land suitability criteria as detailed in the ERO as it related to ineligible land.

However, GOHBA also cautions against overly broad exclusions related to lands adjacent to natural heritage features, hazard lands, or naturalized areas.

The mere proximity of a parcel to a natural feature should not automatically render the land unsuitable for parkland purposes.

In many urban contexts, naturalized spaces, linear greenspaces, buffers, pathway connections, and passive recreation areas can provide meaningful public amenity value and contribute significantly to a municipality's park and open space network.

## **Land Suitability Criteria – Land Accessibility/Comfort for Use**

GOHBA does have significant concern with the criteria as it relates to Land Accessibility/Comfort for Use – in particular that the “*Land must be of a size and shape that is capable of serving park or public recreational purposes.*”

This wording is extremely problematic as its highly subjective and gives municipalities a loophole to reject land that they do not consider “*capable of serving...*”

For example, Ottawa’s parkland policies prioritize square and rectangular parcels as “destination” parks that feature activations and “programmable” space, rather than greenspace and passive recreation. The City only recently agreed to start considering linear parks that serve as active transportation links.

The regulation must better define what is acceptable or detail additional parameters to avoid municipalities using this to reject otherwise suitable land. Urban parkland does not always need to function as a traditional “destination park” with active programming in order to serve an important recreational, environmental, or community-building purpose.

The regulation should therefore ensure that municipalities apply practical and flexible suitability criteria that recognize the value of passive recreation, active transportation connections, urban ecology, and publicly accessible greenspace within intensifying urban environments.

Otherwise, GOHBA generally supports reasonable criteria respecting accessibility and public usability, provided such criteria remain objective, measurable, and not subject to broad municipal interpretation.

### **The 70% credit**

GOHBA is concerned that municipalities will not go above the 70 per cent credit for encumbered lands and POPS even when there is actual public utility and functionality of these spaces in many urban contexts.

In numerous intensification and transit-oriented developments, encumbered lands and POPS arrangements can function equivalently to traditional parkland from the perspective of the public user, despite the presence of below-grade or above-grade infrastructure or alternative ownership arrangements.

Where lands are fully accessible to the public, secured for long-term public use, appropriately designed, and capable of supporting recreational, open space, or active transportation functions, municipalities should be encouraged to provide credit beyond 70 per cent, including up to full credit.

The likelihood that municipalities will not credit these lands above 70 per cent may unintentionally discourage innovative urban park design solutions and undermine the Province's broader objectives related to intensification, housing supply, and efficient land use.

Particularly in dense urban environments and protected major transit station areas, flexible parkland arrangements are often the only practical means of delivering publicly accessible open space while still achieving housing and density targets.

The regulation should expressly encourage municipalities to recognize a greater proportion of credit where the proposed lands demonstrably achieve equivalent public park functions and long-term accessibility outcomes.

### **Calculating Parkland Obligation**

It is important for the provincial to also clarify that parkland obligations only apply to lands actually subject to a development application.

Municipal approaches that attempt to calculate parkland requirements based on entire land holdings, future phases, or undeveloped abutting lands create significant unfairness and uncertainty.

it is not appropriate that parkland be sought from an entire parcel of land where only a portion of the site is being developed unless it is known that the site will be developed in phases for which approval is being sought at one time.

Additionally, a landowner should have the option to defer the consideration of parkland obligations to later phases.

Notably, this is to a municipality's benefit because the land value, and hence park contribution, will likely increase with the passage of time.

Parkland obligations should be tied directly to the lands and phases currently under application and consideration.

### **Documentation**

GOHBA supports standardized documentation requirements provided they remain reasonable, proportionate, and consistent across municipalities to avoid introducing new approval delays or procedural burdens.

## **Conclusion**

The proposed regulation has the potential to significantly improve certainty, reduce unnecessary disputes, modernize parkland delivery, and better align municipal parkland requirements with broader provincial housing objectives.

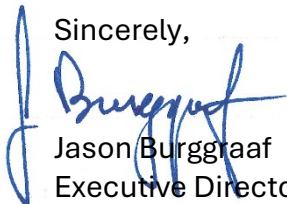
To achieve these outcomes, however, it will be important that the final regulations provide clear, enforceable, and standardized provincial direction that meaningfully limits inconsistent municipal interpretation.

GOHBA encourages the Province to finalize and proclaim these provisions as quickly as possible in order to provide municipalities, applicants, and the Ontario Land Tribunal with greater certainty and consistency in the implementation of parkland dedication requirements across Ontario.

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