

2026-05-14

Re: Bill 98 proposed amendments and regulations

Elevate Living supports Bill 98 proposed amendments and regulations related to parkland dedication, including the formal recognition of Privately Owned Public Spaces (POPS) and other developer-identified lands as eligible contributions toward municipal parkland requirements.

These changes are both timely and necessary to support housing affordability, intensification, transit-supportive development, and complete community development across Ontario.

Our company has a mixed-use development in the City of Welland where POPS and publicly accessible green spaces are integrated directly into the community design. These spaces are designed to function as true public amenities that are accessible to residents, visitors, and the broader community while remaining privately maintained.

Recognizing POPS arrangements as eligible parkland dedication credits creates a fairer and more modern planning framework that reflects how urban communities are being designed today. From a public-use perspective, these spaces provide many of the same benefits as municipally owned parks, including gathering areas, landscaped open space, pedestrian connectivity, recreational opportunities, and publicly accessible green space connections.

Importantly, POPS arrangements also provide significant financial benefits to municipalities and taxpayers. While the public continues to enjoy access to these spaces, the long-term capital and maintenance obligations often remain with the property owner rather than the municipality. This reduces ongoing municipal operating pressures while still delivering meaningful public realm improvements and publicly accessible recreational space.

1. **Qualifying POPS and Developer-Identified Lands Should Receive Full Parkland Credit** We strongly support a one-to-one parkland dedication credit (100%) for qualifying POPS and developer-identified publicly accessible green spaces. If a space satisfies the Province's prescribed criteria and functions as usable public parkland, it should receive full credit toward municipal parkland requirements. A reduced 70% credit framework does not appropriately recognize the long-term private maintenance obligations, lifecycle costs, and potential capital costs being assumed by the developer where no alternative development charge or cost-sharing agreement exists.
2. **Prescribed Criteria should remain flexible.** The Province's criteria should also remain sufficiently flexible to recognize the wide range of park and open space configurations that contribute positively to complete communities. Publicly accessible greenways, linear parks, pathways, promenades, woonerfs, pedestrian corridors, landscaped walkways, and integrated sidewalk connections can all serve meaningful recreational, connectivity, placemaking, and public realm functions. There should not be an overly narrow interpretation of what constitutes functional parkland, particularly within intensification and mixed-use urban environments where creative and

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integrated public spaces are increasingly necessary. In particular, greenways, pathways and pedestrian connections should be recognized as integral components of modern park systems and public open spaces. These connections encourage walkability, active transportation, accessibility, and public use while helping connect residents to larger park networks and community amenities.

- Parkland Framework Should Apply to all of Subdivision, Condominium, Site Plan, and Consent Applications.** We encourage the Province to extend this framework beyond Section 42 of the Planning Act to include draft plans of subdivision, draft plans of condominium, and consent applications. Parkland dedication obligations arise through multiple approval mechanisms under the Planning Act, and there is no policy basis for treating developer-identified publicly accessible spaces differently depending on the form of development approval being pursued. Applying a consistent framework across subdivision, condominium, and site plan-related approvals would improve certainty, fairness, and consistency throughout the development approvals process.
- Municipalities Should Be Required to Apply Prescribed Criteria.** Municipalities should be required to evaluate proposed developer-identified parkland using the Province's prescribed criteria when determining whether to accept such lands. Without a requirement to meaningfully apply the criteria, there is a risk of inconsistent interpretation, unnecessary delays, and uncertainty across municipalities. The prescribed criteria should provide a consistent and objective framework to guide municipal decision-making and ensure fair consideration of qualifying publicly accessible spaces. Without clear provincial direction, municipalities have historically taken inconsistent approaches to recognizing POPS and other publicly accessible privately maintained spaces, creating uncertainty, additional costs, and delays for housing projects. Without clear provincial direction, this criteria may take years to settle through successive OLT decisions.

The Province's proposed framework provides much-needed consistency, predictability, and clarity within the development approvals process while supporting broader provincial objectives related to housing supply, intensification, transit-supportive development, and fiscal sustainability.

We encourage the Province to move forward with these legislative and regulatory changes as quickly as possible while ensuring the framework remains flexible, practical, and supportive of innovative community design.

Sincerely,



Spencer Brown

Vice President, Development
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