

May 12, 2026

The Honourable Rob Flack  
Minister of Municipal Affairs and Housing  
College Park, 17th Floor  
777 Bay Street  
Toronto, ON M7A 2J3

**\*\*SUBMITTED ELECTRONICALLY\*\***

Dear Minister:

RE: ERO Posting # 026-0312  
Proposed Regulation under the *Planning Act* to Support Standardizing Parkland Requirements

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On behalf of the City of Barrie, thank you for the opportunity to comment on ERO Posting #026-0312 regarding the proposed Minister's regulation under the *Planning Act* to implement the developer-identified parkland provisions of Bill 23.

The City acknowledges the Province's objective of improving predictability and standardizing parkland criteria. However, the proposed framework may impact the long-term delivery of functional, accessible parkland. Our initial analysis indicates it may substantially reduce *usable* parkland — even where requirements are technically met — creating implications for recreation equality, climate resilience, and financial sustainability for municipal public parks systems. A comparison table is attached as Appendix A – Comparison Table – Municipal Impact: Pre-Bill 23 vs. Post-Bill 23.

The City's Council-endorsed parkland planning framework is based on a target rate of approximately **2.35 hectares per 1,000 residents**, established through the City's Parkland Needs Assessment (January 2024), which also identifies a requirement for approximately **344 hectares of additional parkland by 2051** to maintain current service levels in response to projected population growth. Appendix B – Quantitative Modeling for Functional Parkland is attached to demonstrate the reduction in functional parkland dedication possible through this regulation. In addition, current provision levels in Barrie are already lower than most comparable municipalities, reinforcing the importance of maintaining the quality and functionality of newly conveyed parkland.

Municipal parks are a primary source of free, accessible outdoor space supporting physical activity, social interaction, and community well-being for everyone. Reductions in the supply or quality of parkland may result in longer-term cost pressures for residents, including increased reliance on

fee-based recreation, reduced access to nearby open space, and broader impacts to public health, community livability, and equality.

### 1. Land Suitability Criteria

The City supports clear criteria to exclude contaminated, hazardous, and inaccessible lands.

*Recommendation:* Strengthen criteria to include prescribed functional design standards addressing: minimum contiguous area for programmed recreational use; minimum soil depth and quality for canopy tree establishment; visibility and access from public streets; barrier-free access; and exclusion of lands where encumbrances, grading, or configuration materially limit safe, year-round recreational use. Examples for implementation are included as Appendix C – Proposed Functional Standard for Eligible Parkland Dedication.

### 2. Encumbered Lands and Privately Owned Public Spaces (POPS)

The framework permits encumbered lands and POPS with a minimum 70% credit. Not all encumbrances affect usability equally, and POPS do not provide the same public benefit as municipally owned parks in terms of control, standards, programmability, and continuous access.

This approach may result in parkland being provided by smaller, fragmented or remnant parcels driven by subdivision layouts, rather than consolidated, centrally located parks capable of supporting a full range of recreational uses and community needs for everyone.

*Recommendation:* Introduce a graduated credit framework reflecting the type and extent of encumbrances and reducing the minimum credit to an amount below 70%. Establish minimum POPS standards covering public access, maintenance obligations, signage, and enforceable termination provisions.

### 3. Ontario Land Tribunal (OLT) Appeals Framework, Decision-Making, and Implementation

The framework enables appeals to the OLT, with mandatory conveyance where prescribed criteria are met. If criteria remain narrow or evidentiary requirements limited, the OLT may be required to approve lands that satisfy technical thresholds but will not function as parkland.

The proposed framework risks shifting parkland planning from an integrated, system-based approach grounded in strategic parks planning and community needs, to a site-specific, property owner-led exercise that may not reflect broader service level targets, connectivity, or long-term operational considerations.

*Recommendation:* Ensure criteria reflect functional usability, not just technical compliance.

This should include:

- Requiring submission of supporting materials to demonstrate functional suitability of proposed parkland (e.g., conceptual park designs and/or landscape architecture assessments); and,

- Confirming that municipal parks plans, community design frameworks, and Council-approved policies are relevant considerations in evaluating suitability.

Strengthening both the evidentiary requirements and the recognition of strategic municipal planning frameworks will improve decision-making consistency and better align outcomes with community needs.

#### 4. Supporting Technical Documentation

The required plan of survey, topographic plan, and owner attestation provide a baseline, but may be insufficient to evaluate functional suitability. Key considerations — including programming capacity, encumbrances, soil conditions, accessibility, and interface with adjacent uses — may not be adequately demonstrated.

*Recommendation:* The regulations should include a requirement for the property owner to provide supporting materials to demonstrate the functionality of the lands for parkland purposes, such as conceptual park design plans, grading and servicing plans, soil and planting documentation, accessibility, and internal circulation.

The City of Barrie supports the Province's goal of improving clarity and consistency in parkland dedication. However, as drafted, the regulation risks delivering lands that satisfy technical criteria while failing to function as meaningful parkland for Barrie's growing population and the entire province.

The City requests that the Province strengthen suitability criteria, establish minimum POPS standards, recognize strategic municipal planning frameworks in OLT proceedings, and require adequate supporting documentation. We welcome continued engagement as the regulation is refined.

Yours sincerely,



Michelle Banfield, RPP  
Executive Director of Development Services

cc: Michael Prowse, CAO, City of Barrie  
Wendy Cooke, Director of Legislative & Court Services, City of Barrie

Attachments:      Appendix A – Comparison Table – Municipal Impact: Pre-Bill 23 vs. Post-Bill 23  
                         Appendix B – Quantitative Modeling for Functional Parkland  
                         Appendix C – Proposed Functional Standard for Eligible Parkland Dedication

## APPENDIX A: Comparison Table – Municipal Impact: Pre-Bill 23 vs. Post-Bill 23

Key differences between the pre-Bill 23 framework and the proposed regulation under ERO 026-0312, with associated municipal impacts.

Topic	Pre-Bill 23 (Status Quo)	Post-Bill 23 + Proposed Regulation (ERO 026-0312)	Key Municipal Impact
<b>Municipal discretion over parkland acceptance</b>	Municipalities determine acceptable parkland based on local planning, usability, and park master plans.	Developers may identify land; municipalities must accept unless it fails prescribed criteria.	Loss of local planning control; risk of receiving fragmented or poorly located parkland.
<b>Encumbered lands (e.g., stormwater ponds, utility corridors)</b>	Generally not accepted; municipalities determine credit value (often 0%).	Must count toward dedication; minimum 70% credit required.	Municipalities forced to accept land with limited recreational value; reduced usable parkland.
<b>POPS (Privately Owned Public Spaces)</b>	Not counted toward parkland dedication; municipalities may negotiate POPS separately.	POPS can count toward dedication with minimum 70% credit; easements required.	Long-term public access not guaranteed; limited programmability; risk of losing functional municipal parks.
<b>Appeal rights</b>	Developers cannot appeal municipal refusal of unsuitable parkland.	Developers may appeal to the OLT; OLT must order conveyance if criteria are met.	Municipal judgment overridden; risk of forced acceptance of inferior lands; procedural delays from the OLT process in general.
<b>Parkland dedication rates</b>	Set by municipal bylaw and master plans, guided by per-capita need.	Capped by Bill 23; proposed regulation further restricts discretion.	Reduced ability to maintain per-capita parkland as population grows.
<b>Cash-in-lieu (CIL)</b>	Municipalities may require CIL when land is unsuitable or insufficient or at the developer's request.	Developers can avoid CIL by identifying encumbered land for dedication.	Reduced CIL revenue for municipal parks purposes.

Topic	Pre-Bill 23 (Status Quo)	Post-Bill 23 + Proposed Regulation (ERO 026-0312)	Key Municipal Impact
<b>Quality and usability standards</b>	Municipalities apply local standards for size, shape, access, grading, and programming.	Province sets minimum criteria; limited municipal ability to refuse technically-compliant land.	Risk of lower-quality parks; inconsistent with local recreation needs and broader open space strategies.
<b>Long-term maintenance and liability</b>	Municipalities avoid lands with high maintenance or risk profiles.	Municipalities may be forced to accept encumbered lands with possible higher operating costs for the long term.	Possible long-term financial burden on municipal taxpayers.
<b>Ability to plan for complete communities</b>	Parkland planning integrated with growth management and community needs.	Standardized rules may override local planning frameworks.	Harder to deliver complete, healthy, livable communities.

## APPENDIX B: Quantitative Modeling for Functional Parkland

*Illustrative Impact of Proposed Framework on Usable Parkland — City of Barrie*

The following illustrates the potential reduction in functional parkland under the proposed regulation, based on the City of Barrie’s established service standard of 2.35 hectares per 1,000 residents.

Scenario	Usable Parkland
City of Barrie service standard (2.35 ha / 1,000 residents)	
Population growth scenario: 50,000 new residents	
Required usable parkland (pre-Bill 23 / status quo)	117.5 ha
Required usable parkland under proposed regulation (70% credit applied to encumbered lands/POPS)	~57.3 ha
<b>Potential reduction in functional parkland</b>	<b>60.2 ha (-51%)</b>

*Note: This modeling applies the minimum 70% credit under the proposed regulation. Actual outcomes would depend on the proportion of encumbered lands and POPS in a given development. The illustrative reduction of 51% represents a worst-case scenario under the current credit floor and is intended to demonstrate the scale of potential impact rather than predict average outcomes.*

The City of Barrie notes that this analysis is consistent with provincial acknowledgment (ERO 026-0312 posting) that “fee simple lands that may otherwise have been conveyed may not be conveyed under the proposed changes.”

## APPENDIX C: Proposed Functional Standard for Eligible Parkland Dedication

The proposed regulation establishes criteria to determine whether lands are eligible for parkland dedication, with a particular focus on identifying ineligible lands. However, it provides limited direction on the functional quality and usability of parkland once deemed eligible.

Given that these criteria will directly inform municipal decisions and Ontario Land Tribunal (OLT) outcomes, additional clarity would be beneficial to ensure that conveyed lands function as accessible, safe, and usable public parks.

The following table outlines possible gaps in the proposed criteria and provides examples of some objective, measurable standards that could support consistent implementation.

Proposed Regulatory Criterion	Identified Gap	Proposed Functional Standard
<p><b>Accessible by all users directly from the public realm</b></p> <p><b>Readily visible and accessible from the public realm</b></p>	<ul style="list-style-type: none"> <li>Does not explicitly reference accessibility standards or address vertical separation (e.g., retaining walls, grade changes).</li> <li>“Visibility” is undefined and may be compromised by grading, built form, or future site conditions.</li> </ul>	<ul style="list-style-type: none"> <li>Land must be capable of achieving barrier-free access in accordance with AODA/IASR, including continuous routes from the public right-of-way with slopes not exceeding 5% without reliance on complex ramping systems or mechanical access.</li> <li>A minimum percentage of park frontage (e.g., 50%) should abut a public right-of-way, with unobstructed visibility from adjacent streets.</li> <li>Park grading at primary access points should align with the public sidewalk to ensure seamless integration.</li> </ul>
<p><b>Land must be of a size and shape capable of serving park purposes</b></p> <p><b>Capable of supporting park use</b></p>	<ul style="list-style-type: none"> <li>No minimum dimensional requirements, allowing narrow, fragmented, or irregular parcels.</li> <li>Does not address servicing, subsurface constraints, or infrastructure conflicts.</li> <li>Long-term usability and encumbrances not fully evaluated.</li> <li>Soil and ecological function not addressed.</li> </ul>	<ul style="list-style-type: none"> <li>Land must be a contiguous, regularly configured parcel with minimum width and depth sufficient to support at least one programmed recreational use (e.g., playground, seating area, or court), including circulation and buffer space.</li> <li>Land must be capable of supporting basic park infrastructure, including provision of necessary utility connections (water, hydro) and absence of constraints that limit</li> <li>Lands should be excluded where encumbrances, grading, flooding, or infrastructure constraints materially limit safe,</li> </ul>

Proposed Regulatory Criterion	Identified Gap	Proposed Functional Standard
<p><b>Comfort to facilitate public use</b></p>	<ul style="list-style-type: none"> <li>Does not address microclimate, wind, shadowing, or adjacency impacts.</li> </ul>	<p>reliable, and year-round recreational use, installation of amenities or tree planting.</p> <ul style="list-style-type: none"> <li>Land must include sufficient <b>soil depth and quality</b> to support long-term tree growth and urban canopy objectives, accounting for compaction, drainage, and subsurface conditions.</li> <li>Land should demonstrate acceptable microclimatic conditions through <b>sun/shadow and wind analysis</b>, and include appropriate <b>buffers from adjacent uses</b> to mitigate noise, privacy, and promote community integration.</li> <li>Parkland should not directly abut servicing, loading, or blank façades without mitigation, and should be located adjacent to <b>active frontages or compatible uses</b> that support safety and comfort for everyone.</li> </ul>