

May 14, 2026

Ministry of Municipal Affairs and Housing
Government of Ontario

Submitted via Environmental Registry of Ontario Comment Portal for ERO #026-0312

RE: Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act

The Canadian Brownfields Network (CBN) appreciates the opportunity to participate in the Ministry of Municipal Affairs and Housing's invitation to comment with respect to the *Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act*. The CBN's Technical Advisory and Government Relations Committees have solicited and compiled comments from interested members for the purpose of making this submission on behalf of CBN.

CBN has a diverse membership representing site owners, developers, municipalities, consultants, and industry associations who are active in brownfield redevelopment within Ontario and across Canada. CBN is committed to supporting the redevelopment and reuse of brownfield properties through advocacy for regulations and policies that are founded on sound science and appropriate risk, are harmonized across jurisdictions, and provide clarity and certainty with respect to brownfield redevelopment.

Upon review of the proposed changes to the Planning Act regarding parkland conveyances, CBN has a concern with the following element of the proposal summary:

"The land suitability criteria that are proposed to be prescribed in regulation would include the following: Ineligible Land – land with any of the following conditions cannot be required to be conveyed to municipalities for park and recreational purposes:

- Contaminated lands – lands that have in or on them any contaminants from industrial or other uses that pose a public health risk."

Our main concern is that the term "contaminated lands" is not defined and, therefore, could be interpreted in a variety of ways, some of which may be counter to the Ministry's intentions for these amendments to the Planning Act. It is, therefore, suggested that the Planning Act provisions clearly define this term by using the definitions, processes and provisions outlined in Ontario Regulation (O. Reg.) 153/04 under the Environmental Protection Act.

Specifically, it is suggested that the definition of Contaminated Lands be developed in consultation with Ministry of the Environment, Conservation and Parks staff, with consideration given to the following:

- The definition of "site condition standards" in O. Reg. 153/04 which includes "the full depth background site condition standards, full depth generic site condition standards and stratified site condition standards";
- The definition of "contaminant" under the Environmental Protection Act;
- The definition of "adverse effect" under the Environmental Protection Act; and

- Section 5.3 of the Provincial Planning Statement, 2024, which states “Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects”.

Notwithstanding the above, municipalities should not be required to accept lands with significant ongoing liabilities and risk management requirements. Accordingly, it is recommended that lands which have undergone a risk assessment in accordance with O. Reg. 153/04 and, as a result, have been issued a Certificate of Property Use (CPU) under section 168.6 of the Environmental Protection Act, and that are subject to monitoring and/or maintenance requirements with associated costs, be deemed ineligible.

While we understand that these types of ineligible lands cannot be required to be conveyed to municipalities for park and recreational purposes without ability to appeal to the Ontario Land Tribunal, we also want to ensure that the Planning Act provisions would still allow municipalities to voluntarily accept conveyance of ineligible lands for parkland. This may include lands where contamination has not been remediated but the municipality considers it to be a low environmental risk, or where a CPU is on title but the municipality has determined the ongoing requirements to be acceptable. For example, there must be an opportunity to alleviate concerns related to sites with a CPU in place, such as the discharge of CPU conditions other than cap inspections or allowances for monitoring either through an obligation by the land developer conveying the land or by provisions of payment to the municipality to cover the costs. We note that several municipalities in Ontario already accept lands with residual contamination or risk-assessed with an acceptable CPU on title, and that some municipalities are also actively working to incorporate legacy dump sites into viable parkland, through stringent risk management measures or CPUs.

In addition, the documents to support identification of land should include an “attestation from the owner of the land or an authorized representative, to confirm that the land and/or privately owned public spaces (POPS) arrangement is not considered to be ineligible land.” The Planning Act provisions should also specify that a Phase One ESA (and if warranted, a Phase Two ESA), prepared by a Qualified Person as per O. Reg. 153/04, must be completed prior to making an attestation that the land is not considered to be “contaminated lands.”

We appreciate your consideration of these suggested changes and would be pleased to discuss these comments further with Ministry representatives. In closing, we thank you for the opportunity to provide comments and input on the proposed regulatory changes.

Kindest Regards,



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