

May 1, 2026

Submitted via email to PlanningConsultation@ontario.ca

Ministry of Municipal Affairs and Housing
Planning and Housing Policy Branch
13th Flr, 777 Bay St
Toronto, ON M7A 2J3

RE: Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026)

The City of Guelph (the “City” or “Guelph”) appreciates the opportunity to provide feedback on the proposed amendments to the *Planning Act*, *Building Code Act*, 1992 and *Municipal Act*, 2001 proposed as part of Bill 98 – the *Building Homes and Improving Transportation Infrastructure Act*, 2026. Below you will find the City’s feedback on the specific proposals.

Measures to standardize official plans:

General comments:

The City of Guelph is generally supportive of efforts to make official plans easier to understand and more accessible for citizens, with some degree of standardization, as stated previously in [the City’s response to ERO 025-1099](#). Furthermore, the City appreciates that the Province has considered feedback from the previous proposal to address a number of key concerns including:

- Not limiting development standards directly through the proposed framework;
- Providing flexibility on the number of schedules an official plan could contain, supporting the use of Source Water Protection areas for ground water fed communities;
- Not limiting the length of Official Plans directly through the proposed framework;
- Not setting a hard deadline for transitioning to this framework for all large and fast-growing municipalities; and
- Providing flexibility to municipalities to update most policies for Protected Major Transit Station Areas (PMTSAs) without requiring provincial approval.

The City also appreciates that the Province will not be bringing these changes into force until additional consultations on secondary plans and upper-tier official plans are complete, and final refinements are made to

City Hall
1 Carden St
Guelph, ON
Canada
N1H 3A1

T 519-822-1260
TTY 519-826-9771

guelph.ca

the framework. The City would recommend a collaborative approach with the Province in developing these final refinements.

Additional recommendations on official plan standardization:

The City would like to offer the following recommendations with respect to the proposed standardized land use designations:

- The City would recommend that the Province consider re-defining the “Mixed Use Commercial Area” designation in the legislation to focus on the uses that are permitted rather than the uses not permitted when compared to the “Mixed Use Area” designation.

It appears that the intent of the “Mixed Use Commercial” designation is to function as a buffer between “major facilities” and “sensitive land uses” as these terms are defined in the Provincial Policy Statement (PPS) 2024. There may be a range of interpretations of how this designation is intended to be used. The City recommends defining “major facilities” and “sensitive land uses”, in alignment with the PPS 2024, to ensure clarity and consistency of implementation.

- Further, the City would recommend that the Province provide additional clarity on the difference between the proposed “Employment Areas” designation and the proposed “Major Facilities” designation.

The proposed designations have significant overlap in terms of permitted uses. Additionally, the term “major facilities” is a defined term in the PPS 2024, and it may have a slightly different interpretation than the designation proposed in Bill 98.

- The City requests that when direction is provided on implementing sub-designations, it is provided in a publicly accessible format, subject to a consultation process, prior to any sub-designations coming into effect. Providing this direction publicly would increase transparency and accessibility and would ensure that the public, the development industry, and other stakeholders are clear on what the expectations are for each municipality. Furthermore, the City would recommend the Province consider developing objective criteria, that if demonstrated, would allow municipalities to have sub-designations.

Additionally, the City requests that any limitations on development standards in official plans should be provided and consulted on publicly, rather than by way of unilateral Ministerial direction.

Finally, the City does not support removing the requirement for official plans to contain climate change policies. The mitigation of greenhouse gas emissions and adaptation to a changing climate remains a matter of provincial interest under the Planning Act, and is an area of direction under the PPS 2024. Climate change policies in official plans are supportive of provincial direction to make more efficient use of land, to promote energy efficiency, and to make wise use of resources. As Canada is a signatory to the Paris Agreement, our country recognizes the urgent threat of climate change. The Province’s own Made-in-Ontario Environment Plan, which aligns with the federal government’s Paris

commitments, recognizes the role that municipalities play in addressing climate change, including through how land is used. Guelph has developed a Community Call to Climate Action, a Corporate Climate Action Plan, and a Corporate Energy Management Policy. Guelph requests that the Province reinstate the requirement for official plans to contain climate change policies and that regulation be developed to describe how to integrate climate change policy in official plans.

Additional questions on official plan standardization:

While not of immediate concern as part of the upcoming legislative amendments, the City would appreciate clarity from the province on the following questions regarding the implementation of a standardized official plan framework:

- The City would appreciate additional clarity on how policies can be included in the various section headings and subheadings, and whether there will be formatting guidelines for individual policy sections.

With regard to the standard chapter and section requirements, it is not clear if municipalities can introduce additional sections at the same level as are in the proposed framework (eg. Section 12, or section 6.3, which do not have placeholders in the proposed framework), and it is not clear if, and to what extent, municipalities may create subsections within the standard sections (eg. 6.1.2.1).

For example the City's current Official Plan contains specific sections on termite control and site alteration. It's unclear if the City could expand upon this standard structure to include those sections, despite their importance to the City of Guelph and their relation to matters of health and safety.

- The City of Guelph would appreciate clarity on what uses are authorized within each designation, and whether those uses represent the minimum required permissions, or if municipalities may authorize uses in addition to those uses listed.

The City currently permits recreational uses and conservation uses in all residential designations, which enables large-scale development and subdivisions to provide parkland and amenities anywhere within their site without needing to redesignate that portion of the site. The City may further require parkland through the parkland dedication by-law. The proposed framework appears to only permit parkland in the Parks and Open Space designation, and as such, the City would like clarity on whether the City may permit complementary uses that are not explicitly identified in Bill 98 within a designation.

- The City requests clarity concerning how municipalities can use a "sub-designation" – whether a sub-designation will be required to fall under the "parent" designation with additional restrictions, or whether the sub-designations can stand apart from each other.

The City of Guelph has multiple designations that would roughly fit under the proposed "neighbourhood" designation, however, they each have different built form characteristics functions that are not easy to reconcile as a single

designation. For example - the residential designations in greenfield areas are intended to permit flexibility and large-scale lower density built forms, while the residential designations in established areas are targeted towards small infill development that may be in the form of apartments. It would potentially require modification of existing permissions from certain areas to ensure the designations conform with the proposed framework.

Additional notes on the cost of Official Plan Modifications:

As the province considers the logistics and implementation of standardized official plans, the City would like to suggest the provision of one-time funding to support municipal official plan updates. Guelph and other municipalities have already incurred significant costs as part of previously mandated official plan revisions, including planning, engineering, and legal staff costs. Dedicated funding would help retain the necessary capacity to support a smooth transition to the new official plan framework, without diverting the efforts of staff and interrupting essential routine work.

Removing Sustainable Design from Site Plan Control

The City does not support the proposed amendments to prohibit references to “sustainable design” from site plan control, and requests that municipalities retain the authority to require sustainable design standards under Section 41 of the Planning Act.

The City appreciates the provision to continue permitting the use of enhanced development standards to address matters related to “health, safety, accessibility or protection of adjoining lands”. However, enhanced development standards can often have health and safety benefits that are inextricably linked to their role as “sustainable design” standards.

For instance – Guelph is a groundwater-dependent municipality and conserving and protecting source water is a driving factor behind many development standards that may be considered ‘enhanced’ or inconsistent with other municipalities that do not operate in the same context. Examples of lot-level standards in the City of Guelph include infiltration targets that ensure adequate groundwater recharge is achieved and that water infiltrated back into the water resource system is treated to remove or separate contaminants. Establishing these measures at the lot level avoids the need for more complex and expensive engineering solutions down the road, and supports the Source Protection Plan policies developed under the *Clean Water Act* to protect municipal drinking water supplies.

Beyond ensuring alignment with Source Protection Plan policies and the *Clean Water Act*, there are numerous policies and requirements in the PPS 2024 which are supported through lot level standards, as identified in the [City’s previous comments on ERO 025-1101](#),

The City requests that the provision permitting enhanced development standards be maintained. If streamlining of development standards is desired, the City requests that the province provide additional clarity on standards that are and are not permitted.

Prohibiting requiring EV charging in ZBLs and Site Plans:

The City does not support the proposed amendments to prohibit zoning by-laws (ZBLs) from requiring an owner or occupant of a building or structure to provide and maintain electric vehicle supply equipment in connection with parking facilities.

The City of Guelph has a regulation in its ZBL requiring a percentage of required parking spaces to have EV chargers and/or be able to accommodate future EV chargers by providing the necessary infrastructure at the time of construction. This regulation is currently under appeal at the Ontario Land Tribunal.

In the City of Guelph there has been demand for Electric Vehicle Charging and from a planning and building standpoint, it is difficult and costly to retroactively fit EV chargers into sites post-construction. This is especially true on below grade parking structures. Another key difficulty is that without requiring any EV chargers upfront, electrical transformers are not sized to accommodate future EV chargers and would need to be replaced, causing a greater financial burden to future residents or site users.

Requiring a certain number of EV chargers up front helps anticipate existing and future demand, provide greater amenities and options for residents, and reduce future costs of adaptation both for the utility providers and building owners if additional EV chargers are required. Additionally, as both the provincial and federal governments are supporting new EV vehicle and battery plants, EV charging requirements in municipal ZBLs helps support these investments at a local level by ensuring comprehensive charging coverage.

Mandatory minimum lot sizes:

The amendments to the *Planning Act* under Bill 98 would establish a regulation-making authority to allow the Minister of Municipal Affairs and Housing to set a minimum lot size on parcels of urban residential land. As currently written, any regulated minimum lot size would apply to all residential urban land, and any municipal zoning requirement for minimum frontage and/or minimum depth that would not allow for the minimum lot size standard to be met would be inapplicable.

As outlined in the [City's response to ERO 025-0100](#), the City supports the intensification existing low-density urban areas, but has concerns about a blanket approach to establishing minimum lot sizes. The following are some of the key potential issues stemming from this approach:

- As written, a regulation under this authority would also apply to cluster townhouse and apartment and mixed use sites which have much larger lot minimum sizes to allow larger buildings together with larger footprints such as parking, drive aisles and stormwater infiltration areas. For instance, a small infill apartment site in Guelph has no minimum lot area, only a minimum lot frontage to ensure the lot width for a small apartment building and a drive aisle, while the Commercial Mixed Use Centre Zone, has a minimum lot size of 7500m², which is meant to have enough area for large apartment buildings and mixed use buildings or large commercial uses. A default minimum in

these zones could result in smaller piecemeal developments taking up land needed for larger projects, resulting in an inefficient use of prime lands that could accommodate many apartment units as a block.

- Further, a required minimum lot size applied to all residential lots could cause an increase in lot subdivision/severances and would result in an unplanned for increase in the amount of a lot covered in built form. This unplanned increase in lot coverage would require new standards for stormwater management. Stormwater management ponds would need to be much larger for new developments and there would be difficulties in meeting stormwater management criteria in existing neighbourhoods, resulting in additional costs to developers to find alternatives to meet stormwater management criteria and additional costs to municipalities related to increased maintenance needs on new and existing stormwater management ponds and facilities.
- A minimum lot size applied uniformly across the province may also pose challenges with respect to on-site winter snow storage. The combination of high snowfall, a lack of higher-order transit necessitating driveway space, and minimum lot sizes diminishing available front yard space could result in a situation where snow storage on site becomes highly difficult.
- Finally, requiring a minimum size on all residential lots could also reduce the number of lots large enough to permit Accessory Dwelling Units (ADUs), which are an efficient, effective infill option that often creates affordable dwelling units on shared services on larger lots.

As an alternative to a required minimum lot size for all residential lots, the City recommends modifying this regulation-making authority to specify the types of residential zoning (i.e. low-density residential) where a minimum lot-size regulation would be applicable, to avoid application on lands intended for large-scale development

The City recognizes that the province is also proposing a regulation under this future authority to set this minimum lot size to 175 m² – the City will be submitting separate and more detailed comments with respect to this regulation.

Easements and conditions for Privately Owned Public Spaces:

Planning Act Section 42 (4.32.1)

The proposed new *Planning Act* section 42 (4.32.1) establishes that parkland encumbered by an easement may be conveyed to municipalities regardless of whether the municipality holds an interest in or derives any direct benefit from that easement. While this provision broadens the range of lands that may be considered parkland, as written, it reduces opportunities to fulfill local recreation needs, as identified in municipal Official Plans and Park Plans. For easement-encumbered parcels to operate effectively as parkland, the easements must allow non-exclusive use, ensuring that municipalities retain the ability to program and maintain the easement area for recreation. An easement that restricts surface improvements, prohibits public access, prohibits park programming, presents health and safety hazards to park patrons, or requires

frequent disruptive maintenance would undermine municipalities' ability to deliver meaningful recreation within parks.

Planning Act Section 42 (4.38.1)

Where the tribunal orders that encumbered parkland be conveyed to a municipality, the proposed new *Planning Act* section 42 (4.38.1) specifies that the area of the conveyed land will be multiplied by a factor of 0.7 for the purpose of calculating the parkland dedication requirement. This treats encumbered land as having 70% of the value of unencumbered, fee simple parkland. While this acknowledges that encumbered land reduces the functional utility of parkland, the 0.7 factor does not accurately represent the shared use and divided benefit associated with encumbered land. A 0.5 factor would more accurately represent the value that a municipality and a landowner would derive from the shared land and assign equal weight to each party's interest.

Further, because proposed section 42 (4.38.1) already recognizes that encumbrances diminish the functional value of parkland, applying the reduced-value factor to all encumbered parkland, whether it is conveyed through a tribunal order or through a standard development application, would create consistent treatment across processes. The City recommends establishing a 0.5 factor for all encumbered parkland conveyed to municipalities to ensure that the valuation accurately reflects the presence of multiple interests and the resulting limitations on municipal use.

Closure

Overall, the City recognizes the province's goals of standardizing planning and building requirements to streamline homebuilding at a provincial scale. However, the City remains concerned about the blanket approach to regulatory and legislative changes, which sees municipal planning authority and nuance largely overwritten with limited consideration for local conditions. The City believes that a collaborative approach is possible and beneficial – as evidenced by the successful consultation and revision process as part of the Official Plan Standardization exercise, and urges the province to work closely with the municipal sector on future legislation and regulations which will inform the implementation of the changes above.

Thank you for the opportunity to provide input on the legislative proposals above. Should you have any questions or would like to follow up for further discussion, please contact intergovernmental.relations@guelph.ca.

Regards,

Krista Walkey General Manager, Planning and Building Services
Infrastructure, Development and Environment,
City of Guelph

T 519-822-1260 extension (2395)

TTY 519-826-9771

E krista.walkey@guelph.ca