

May 14, 2026

Submitted online and via email to MFPB@ontario.ca

Ministry of Municipal Affairs and Housing
Municipal Finance Policy Branch
College Park 13th flr, 777 Bay St
Toronto, ON M7A 2J3

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

The City of Guelph (the “City” or “Guelph”) appreciates the opportunity to provide feedback on the proposed new regulation under the *Planning Act* to standardize parkland dedication requirements in Ontario in respect of the conveyance of developer-identified parkland.

The City is supportive of a regulation that clearly defines the types of land that will be considered eligible and ineligible as encumbered parkland dedication. To strengthen the clarity and implementation of the proposed framework, the City recommends the following revisions:

Parkland in natural heritage features and areas

The proposed regulation states that “lands within and adjacent to natural heritage features and areas are eligible on the condition that a park would not interfere with or compromise the natural heritage features and areas.” The City has several concerns with this approach.

Natural heritage features and areas are not interchangeable with parkland. Natural heritage features and areas comprise natural heritage systems, providing essential biological, ecological, hydrological, and geological functions that sustain local biodiversity. These features and areas should be protected for the long term in accordance with the direction of the Provincial Planning Statement, 2024.

By contrast, parkland is intended for active and passive recreation, and includes sports fields, playgrounds, courts, splash pads, and community gathering spaces. To fulfill the recreational needs identified in municipal Official Plans and Park Plans, parkland must be developable and programmable. Because the natural heritage system is undevelopable due to necessary protections, it is unclear how a park and its recreational features could be located within a natural heritage feature or area without interfering with or compromising its ecological function, as noted in the proposal. Overlapping these land uses is likely to result in parkland that cannot be programmed for community use or negative impacts on the natural features and areas and their ecological functions, contrary to the Provincial Planning Statement, 2024.

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

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

guelph.ca

Similarly, parks and trails within natural features and areas are not equivalent. While in some instances trails may be appropriate within buffers of natural heritage features, they do not provide for the vast recreational needs identified in municipal Official Plans and Park Plans, and therefore they should not be considered parkland, or eligible lands for parkland dedication.

Finally, the currently proposed language is not sufficiently clear to avoid Ontario Land Tribunal (OLT) disputes. As written, the wording does not provide a practical or defensible method for determining whether a park parcel “would not interfere with or compromise” natural heritage features and areas. Landowners are responsible for conveying parkland as a condition of development but they are not responsible for designing park amenities in those parcels. A parcel of land, on its own, may not interfere with the function of natural heritage features and areas, however, the development of recreational amenities to be undertaken by municipalities after the conveyance, is likely to result in negative impacts to natural heritage features and areas. Requiring landowners to demonstrate that a parcel of land would have no negative impact, without consideration for the future recreational amenities, creates an unachievable standard with no clear policy tests and is likely to lead to conflicting interpretations between municipalities and landowners, resulting in appeals to the OLT.

Recommendation:

The City recommends that the proposed regulation be revised to include the following land in the ineligible category:

“Lands with significant ecological importance – property or lands identified as wetlands, coastal wetlands, woodlands, natural heritage system, and areas of natural and scientific interest or other environmental features contributing to the quality and diversity of an identifiable geographic area.”

Land Accessibility and Comfort for Use

The City has concerns with the lack of recognition that encumbered parkland must not impact the ability to program the surface area with recreational needs identified in Official Plans and Park Plans.

Recommendation:

For clarity and to avoid conflicting interpretations of the regulation, the City recommends adding the following criteria under the “Land Accessibility/Comfort for Use” category:

“Encumbered land must not limit the municipality’s ability to program the surface area with park and recreational amenities for everyday use.”

Supporting Implementation Matters

The proposed regulation requires the submission of an “attestation from the owner of the land or an authorized representative” to identify encumbered land and “to confirm that the land and/or Privately-Owned Public Space (POPS) arrangement is not considered to be ineligible land.” The City is concerned that an owner’s attestation alone does not provide a sufficient basis for determining whether the proposed parkland meets the criteria for ineligible land and may compel municipalities to accept parkland without fully understanding the associated risks.

Recommendation:

The City recommends replacing the term “attestation” with the term “evidence.” In practical terms, this could manifest as a professional assessment of potential land contamination, rather than an attestation, that supports municipalities in deciding whether to accept or reject proposed parkland.

Closure:

We appreciate this opportunity to provide input on this proposal. Should you have any questions about the feedback provided, or require additional details please do not hesitate to contact the City at intergovernmental.relations@guelph.ca.

Sincerely,

Gene Matthews, General Manager, Parks
Public Services
City of Guelph

T 519-822-1260 extension 3337

TTY 519-826-9771

E Gene.Matthews@guelph.ca