

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

ERO number: 026-0312

Notice type: Regulation

Act: Planning Act, R.S.O. 1990

May 14, 2026

Attn: Ministry of Municipal Affairs and Housing

The City of Kitchener appreciates the opportunity to provide comments on the Province's proposed changes to standardize parkland dedication requirements under the Planning Act. We support the Province's objective to bring greater clarity and consistency to parkland dedication while continuing to advance housing supply.

At the same time, we echo the importance, highlighted by AMO, of balancing standardization with the flexibility municipalities require to respond to local context and ensure high-quality, functional parkland.

1. Developer-Identified Parkland and Suitability Criteria

The City seeks clarification on what is meant by "**developer-identified lands.**" Without agreement from the planning authority, municipalities may be required to accept lands that are not suitable for park purposes, limiting the functionality and programmability of these spaces.

Additional clarity is needed on how **privately owned public spaces (POPS)** will be regulated, particularly within condominium or shared ownership models. Clear regulatory tools will be required to ensure the long-term public use and accessibility of these spaces where they are not municipally owned.

The City has already identified **natural heritage features** through its Official Plan and Zoning By-law, and these lands are not considered appropriate for development, including park uses. These areas may include floodplains, heavily treed lands, and significant valleys or slopes.

Further clarification is required on how applicants would demonstrate that parkland adjacent to natural heritage features would **not interfere with or compromise those features.** It is unclear how broader impacts, such as traffic, lighting, noise, and

encroachment, would be assessed at this stage, particularly where park programming is not yet defined.

Many of the proposed suitability criteria are already reflected in Kitchener's existing parkland dedication strategy.

Determining appropriate size and shape of parkland should remain within the authority of municipalities. A standardized, **one-size-fits-all approach may not adequately account for site-specific conditions or local context.**

2. Supporting Documentation and Implementation

Where lands are proposed adjacent to or within buffers of natural heritage features, **more rigorous technical requirements** should be required. For example:

- An Environmental Impact Study (EIS) prepared by a qualified professional
- Identification of anticipated park programming
- Assessment of expected usage, including impacts from both the park and its users

This level of detail is necessary to ensure impacts are appropriately understood and mitigated.

3. Environmental and Parkland Supply Impacts

The City is concerned that permitting encumbered lands to count toward parkland dedication may reduce the likelihood of acquiring unencumbered, fee simple parkland in the future.

In combination with earlier changes to parkland dedication rates, which have reduced cash-in-lieu revenues, municipalities may face limited ability to acquire suitable parkland.

This could result in:

- A reduction in overall parkland supply
- A decline in the quality and programmability of park spaces, particularly where encumbered lands are less functional

4. Implementation and Administrative Considerations

The proposed changes may lead to increased administrative and legal complexity, particularly where municipalities are required to negotiate and secure agreements related to encumbered lands and POPS arrangements.

Ensuring clarity in requirements will be important to:

- Support consistent implementation
- Reduce disputes and appeals
- Maintain efficient development approval timelines