

May 14th, 2026

Re: ERO 026-0312: Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act

On behalf of the Durham Region Home Builders' Association (DRHBA), thank you for the opportunity to comment on the proposed regulatory changes regarding developer-identified parkland through ERO 026-0312: Proposed Changes to Support Standardizing of Parkland Dedication Requirements. These changes, enabled through the *Building Homes and Improving Transportation Infrastructure Act, 2026* and the *More Homes Built Faster Act, 2022*, represent a critical step forward in modernizing Ontario's land development landscape.

The DRHBA represents a broad cross-section of landowners and developers dedicated to delivering housing across the Durham Region. Our members are directly impacted by parkland dedication requirements and strongly support initiatives that bring clarity, flexibility, and efficiency to the approvals process.

General Support for the Proposed Framework

The DRHBA applauds the Province's direction to allow developer-identified lands, including encumbered lands and Privately Owned Publicly Accessible Spaces (POPS), to count toward parkland dedication. This shift toward a flexible, outcomes-based framework better reflects the realities of modern community building.

In particular, we strongly support:

- **Credit for Encumbered Lands:** Recognizing that these spaces provide significant public value.
- **OLT Appeal Mechanisms:** Providing a clear path to the Ontario Land Tribunal, including in cases of municipal non-decision.
- **Standardized Criteria:** The intent to reduce municipal inconsistency through province-wide standards.

Key Concerns and Recommendations

While the intent of the regulation is positive, several criteria require refinement to prevent new administrative bottlenecks or subjective denials.

1. Addressing Subjectivity in "Park Use" Criteria

1-1255 Terwillegar Avenue, Oshawa, Ontario, L1J 7A4

The current exclusion of lands that "would not support park use" (due to fill, footings, or tree-planting constraints) is highly subjective. Without measurable standards, this may become a default basis for municipal refusal. It's important to ensure that subjective suitability criteria are not imported into the regulations.

- **Recommendation:** Provide clear technical benchmarks (e.g., acceptable grading ranges and soil conditions) and distinguish between **passive vs. active use** requirements.

Additionally, greater flexibility is required to ensure that suitable lands are not unduly restrictive, as contaminated lands may be rehabilitated prior to the conveyance to a municipality; and natural or man-made hazards can be mitigated.

2. Natural Heritage and Interface Lands

While we support the inclusion of lands adjacent to natural heritage features, the term "interference" remains ill-defined, risking inconsistent interpretation.

- **Recommendation:** Provide specific examples of compatible uses and recognize that well-designed parks can actually enhance and protect natural heritage systems.

3. Flexibility in Accessibility and Visibility

Strict requirements for direct public realm visibility may inadvertently disqualify innovative POPS or integrated open space networks in high-density, mixed-use environments. Regulating standards for comfort, access and visibility may reduce flexibility in a manner consistent with the policy directions.

- **Recommendation:** Adopt a "context-sensitive" approach to visibility that rewards recreational value and innovative urban design over rigid frontage requirements.

4. Managing Encumbrances and Title Constraints

The blanket exclusion of lands with financial encumbrances (such as liens) is impractical for phased developments where complex financing is the norm.

- **Recommendation:** Allow for the **conditional acceptance** of lands, provided encumbrances are discharged at the time of conveyance to the municipality.

5. Implementation and Transition

1-1255 Terwillegar Avenue, Oshawa, Ontario, L1J 7A4

To prevent a "logjam" during the transition to this new framework, clear administrative guidelines are essential.

- **Recommendation:** Establish standardized submission templates and clear transition provisions to ensure active files are not unfairly delayed

Strategic Outlook

In large-scale, phased developments, common throughout Durham Region, this regulatory flexibility is vital to aligning parkland with infrastructure, grading, and environmental features. However, for this framework to succeed, the Province must minimize subjectivity to avoid unnecessary disputes and OLT appeals.

Conclusion

The DRHBA supports the Province's efforts to modernize parkland dedication. With targeted refinements to improve clarity, this regulation will accelerate housing delivery while ensuring Durham residents enjoy high-quality, functional green spaces.

Sincerely,



Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

1-1255 Terwillegar Avenue, Oshawa, Ontario, L1J 7A4