

May 14, 2026

Ministry of Municipal Affairs and Housing (MMAH)
Planning and Housing Policy Branch
13th Floor, 777 Bay St
Toronto, ON, M7A 2J3
PlanningConsultation@ontario.ca

Attention: Honourable Rob Flack, Minister of Municipal Affairs and Housing (MMAH)

Re: ERO No. 026-0300-- 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)

On behalf of Cortel Group, we are writing to address ERO Submission No. 026-0300 related to Schedules 1, 2 and 7 of Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026*. We welcome the opportunity to provide comments on the proposed legislative changes under Bill 98 and related regulatory changes to further support housing, economic, and infrastructure development, and advance key transportation and transit priorities. Please see summary of our comments below:

Streamlining and Standardized Official Plans (Related ERO No.: 026-0315)

ERO #026-0300 includes proposed amendments to Section 16 of Planning Act and City of Toronto Act to streamline and standardize official plans.

Comments:

- We are supportive of removing duplicative and redundant requirements and policies, including climate change policies in Official Plans
- We are supportive of Province introducing a simplified Official Plan format that would be applied consistently Province-wide
- However, it is critical that any standardized Official Plan not change the contents of this main policy document and should continue to carry forward all existing policy permissions, including any site-specific approvals, SASPs, and must recognize permissions implemented by Ministerial Zoning Orders.
- It is important that the Official Plan focus on the long-term land use vision for the municipality/area and not include specific site requirements i.e. height restrictions aka an Official Plan should not read as a zoning bylaw
- If the planning authority exists in the upper tier municipality as it pertains to strategic growth planning, it is important that the lower tier municipality have regard for the upper tier policy document – it is important that these documents are aligned
- **Recommendation-** Province should ensure that the Official Plan include land use goals, objective and general policies and remove redundant requirements and requirements that are too specific

Related ERO #026-0315 is seeking feedback on a proposal to simplify and standardize the format of official plans for upper-tier municipalities as well as a proposal for secondary plans and site- and area-specific policies (SASPs).

Comments:

- We request clarification on the purpose of separating secondary plans from the primary official plan with the purpose that they would exist as a standalone document while being subject to the same process requirements.
- With respect to the removal of SASPs from the main body of an official plan, this may reduce flexibility where the approved changes cannot be adequately reflected through a limited set of designations.
- We do not have concerns with the Minister having approval of secondary plans.

Site Plan: Prohibit Mandatory Municipal Enhanced Development Standards and Green Building Standards
(Related ERO No. 026-0309 and ERO No. 026-0310)

ERO # 026-300 includes proposed changes to the Planning Act, Municipal Act, Building Code Act and City of Toronto Act that would have the effect of:

- prohibiting municipal authority to require certain mandatory Enhanced Development Standards (EDS) and green development standards that are not specifically required for health and safety;
- providing even greater clarity that green building/construction standards are voluntary and cannot be imposed by municipalities;
- clarifying that zoning cannot be used to require sustainable design elements;
- prohibiting municipalities for requiring the development and maintenance of electric vehicle parking spaces through their zoning by-law; and
- removing authority to require EDS elements as part of site plan approval.

Comments:

- We are supportive of the above proposed changes.
- Specifically, we are supportive of removing certain EDS, such as specific landscaping requirements, soil composition details and/or enhanced design considerations during the Site Plan process—these items are extremely subjective and can create major project delays

Related ERO #026-0309 proposed to removing authority to require, as a condition of land division approvals, mandatory enhanced development standards at the lot level (outside of buildings), that are not specifically required for health, safety, accessibility or protection of adjoining lands (e.g., stormwater management).

Comments:

- We are supportive of the above proposed changes.
- In our opinion, such “sustainability” measures should be voluntary, and not a requirement of development—this will ensure greater transparency and clearer expectations province-wide.

In regards to ERO #026-0310, the Provincial Government is seeking feedback on the site plan approval process, which is causing significant delays and unnecessary costs on new housing and other growth investments.

Comments:

- While we are supportive of the overall goal of enabling a faster, more predictable, cost effective and coordinated municipal site plan process, we have concerns that full removal of the process may have the unintended consequence of lengthen the overall planning application process by “front-loading” technical comments to the official plan and zoning by-law amendment application stage.
- The addition of a municipal arbitration process may result in additional steps and/or layers of approval to the overall approvals process—not required if submission is properly scoped and timelines are committed to
- In most cases, scoped SPA submission can focus on the following technical reports and plans only:
 - Architectural package
 - Landscape plan
 - Transportation report and circulation plans
 - Civil report and plans
- **Recommendation:** Need to better streamline the necessary submission materials required and ensure that the project schedule is met

Upper-tier Planning Responsibilities in Simcoe County

ERO #026-300 proposes to incrementally remove planning responsibilities Simcoe County.

Comments:

- A higher order planning framework to coordinate planning growth is more appropriate in the unique context of Simcoe County.
- Simcoe County planning role should focus less on individual site development applications and more on coordinating and aligning existing and future growth with the required infrastructure and servicing—Simcoe County is well positioned to assist in the strategic planning role.
- Simcoe County is able to deliver coordinated regional-scale strategies for roads, transit, solid waste management, water and wastewater, social service and health and emergency services—to support the future growth they need to plan for that growth
- Removing the planning authority from the County of Simcoe will limit its ability to effectively plan and deliver enabling infrastructure and critical services across the County, which are currently managed by the County.
- Unlike other upper-tier municipalities i.e. Regions of York and Peel, the local municipalities in Simcoe County are unable to deliver infrastructure and services at scale and as efficiently as the County, which ultimately creates timing delays and increased costs-- By removing the planning authority will compromise the County’s important role in facilitating growth and investment in the area
- **Recommendation:** It is our position that Simcoe County should retain their planning authority since it is critical and control regional water and wastewater infrastructure.

Encumbered Parkland and Privately Owned Public Spaces (POPS) (Related ERO # 026-0312)

ERO #026-300 includes proposed changes to the Planning Act which would, among other matters, facilitate easements for POPS, authorize municipalities to require agreements for encumbered land, and provide a credit system whereby encumbered land and POPS arrangements would receive a minimum credit of 70%.

Comments:

- We are supportive of the proposal to standardize parkland dedication requirements in Ontario, specifically as it relates to lands with encumbrances and formally permitting POPS arrangements to count towards municipal parkland dedication requirement.
- POPS should receive more and not less parkland credits due to the ongoing financial and maintenance obligations—it is unclear how the minimum 70% credit system was derived.
- POPS will be subject to a public access easement over the area and the long-term maintenance costs of these spaces will be paid by the owner and not the City—together would likely exceed the financial obligations of a traditional parkland conveyance over time—this should be acknowledged
- Like parkland, there should not be a one size fits all approach to POPS—criteria for POPS cannot focus on active versus passive program or require specific frontage requirements
- It is understood that POPS must be publicly accessible and visible but applying rigid standards will be challenging particularly in an urban condition where land area available may be limited – it is unclear how ‘quality standards’ will be determined and by whom

Related ERO #026-0312 is seeking to prescribe criteria for developer-identified parkland and related implementation matters for the conveyance of developer-identified lands for municipal parkland dedication, to implement provisions in Bill 23, the *More Homes Built Faster Act, 2022*, that are not yet in force.

Comments:

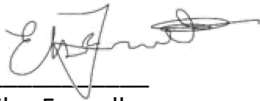
- The focus is on park conveyance but POPS are not conveyed –assuming that the same criteria would apply?
- In terms of ineligible lands, is the Province suggesting that a brownfield site could not support parkland even on condition that the site is appropriately remediated/risk assessed similar to traditional parkland dedication process?
- Understood that parkland and POPS need to be accessible – strongly encourage that if the future park/POPS area fronts onto a public street it meets the criteria – cannot be overly prescriptive on % of street frontage, etc.
- With respect to land accessibility/comfort for use, the suitability criteria provides that parkland must be accessible, visible and comfortable to facilitate public use of it and, in particular, must be...of a size and shape that is capable of serving park or public recreation purposes--We request clarification on the term “park or public recreation purposes”.
- Why is the criteria outlining that land for a public park or POPS must be a certain size, shape and provide a specific recreational program?—there should not be a one size fits all approach to parkland/POPS—there

are many examples of parks that provide more passive programming, are more compact in size and are not a traditional square or rectangular in shape

- We understand that that objective is not to qualify a remnant or unusable land parcel as parkland but that can be qualified without overly prescribing specific site characteristics and program

We appreciate your consideration and we are available to provide any additional information or respond to any questions at your convenience.

Sincerely,



Elsa Fancello
Cortel Group