



June 26, 2025

Honourable Minister Rob Flack  
 Minister of Municipal Affairs and Housing  
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 St. Thomas, ON N5P 1E2  
[rob.flack@pc.ola.org](mailto:rob.flack@pc.ola.org)

Dear Hon. Minister Flack:

**RE: Environmental Registry of Ontario #025-0462**

The Canadian Environmental Law Association (CELA) writes in response to ERO Posting #025-0462, “*Proposed Regulations - Complete Application*”, to provide comments on the proposed changes to Ontario’s land use planning process and the information that can be required by municipalities to make complete application decisions.

CELA is a specialty legal aid clinic that protects public health and the environment by using legal tools, public education, and advocacy to address environmental harm and improve policy. Since 1970, we have focused on assisting low-income and vulnerable communities in accessing environmental justice.

CELA previously objected to the fast-tracking of Bill 17 through the Legislature before the Environmental Registry consultation period closed, warning that such an approach undermines public participation rights under the *Environmental Bill of Rights*.<sup>1</sup> This submission outlines CELA’s key concerns and recommendations to ensure that municipal planning decisions remain well-informed, context-specific, and protective of the environment and public safety.

**1. One-Size-Fits-All Restrictions Undermine Context-Specific Planning Needs.**

CELA is opposed to a “one-size-fits-all” approach that would standardize complete application requirements across all Ontario municipalities regardless of local context.<sup>2</sup> The proposed limit on

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<sup>1</sup> Canadian Environmental Law Association, “CELA Comments on Environmental Bill of Rights Requires Public Consultation on Bill 17 (Protect Ontario by Building Faster and Smarter Act, 2025)” (2 June 2025) online: Canadian Environmental Law Association <<https://cela.ca/cela-comments-on-bill-17-protect-ontario-by-building-faster-and-smarter-act-2025/>>.

<sup>2</sup> City of Toronto, *Assessment of City Impacts from Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025 and Provincial Budget* (11 June 2025), online: City of Toronto <<https://www.toronto.ca/legdocs/mmis/2025/ex/bgrd/backgroundfile-256284.pdf>>.

technical studies province-wide will create significant gaps in information for certain areas and development types.

Urban, rural, and suburban municipalities face different planning challenges. For example, a high-rise project in a dense urban centre may warrant a wind or shadow impact study for safety and livability, whereas such studies might be unnecessary in low-rise or rural settings. City of Toronto planning staff have raised concerns that eliminating the ability to require studies like wind or shadow analyses in contexts where they are vital (e.g. tall buildings) could increase risks to public safety and even cause delays, as staff would lack the necessary information to evaluate impacts.<sup>3</sup>

In cases where critical information is missing due to provincial prohibitions, municipalities might be forced to undertake extra internal reviews or conduct their own studies to fulfill their obligation to make land use planning decisions in accordance with provincial policy. This approach may be more costly, time-consuming, and litigious than the current process, which allows issues to be addressed upfront through complete application requirements. The proposed province-wide limits would undermine the goal of efficiency by prompting delays and risking poor outcomes.

## **2. Maintaining Municipal Discretion to Require Relevant Studies.**

Robust technical studies are fundamental for informed decision-making and avoiding harm.<sup>4</sup> In CELA's view, the Ministry should facilitate timely preparation of needed technical studies (e.g. through better guidance or templates) rather than forbidding entire categories of inquiry. Ontario's *Planning Act* currently empowers municipalities to request additional information (beyond provincial minimum requirements) in their official plan policies to ensure a complete application.<sup>5</sup> This discretion recognizes that local councils are best positioned to identify what studies are necessary to assess a proposal's compliance with provincial policy and local needs. The proposed regulation under ERO #025-0462 would limit these powers by freezing study requirements to those already listed in official plans and would prohibit certain types of studies (such as sun/shadow, wind, lighting, and urban design) unless Ministerial approval is obtained.

CELA urges the government to reconsider these constraints. Municipalities must retain the ability to require context-specific studies or reports when warranted by site circumstances or community concerns. Studies like wind impact assessments can prevent dangerous conditions at street level, while shadow and lighting studies help preserve the livability of public spaces. Urban design reports maintain community character and safety. Blanket prohibitions on these studies risk allowing harmful impacts to go unexamined.

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<sup>3</sup> *Ibid* at 8.

<sup>4</sup> Conservation Ontario, *Final Comments on Bill 17 Planning Act Amendments* (11 June 2025), online (pdf): Conservation Ontario <[https://conservationontario.ca/resources?tx\\_fefiles\\_files%5Baction%5D=download&tx\\_fefiles\\_files%5Bcontroller%5D=File&tx\\_fefiles\\_files%5Bfile%5D=625&cHash=0b333c60979b8f10c7971ef8cf401ede](https://conservationontario.ca/resources?tx_fefiles_files%5Baction%5D=download&tx_fefiles_files%5Bcontroller%5D=File&tx_fefiles_files%5Bfile%5D=625&cHash=0b333c60979b8f10c7971ef8cf401ede)>.

<sup>5</sup> Ontario, Ministry of Municipal Affairs and Housing, *Proposed Regulation under the Planning Act and the City of Toronto Act, 2006 to Prescribe Complete Application Requirements* (12 May 2025), online: Environmental Registry of Ontario <<https://ero.ontario.ca/notice/025-0462>>.

A one-size-fits-all approach to permitted studies fails to recognize the diverse needs of communities across Ontario. Robust, context-specific technical studies are essential for informed decision-making and for protecting public health and the environment. The Ministry should prioritize improving guidance and consistency, not restricting municipalities' ability to gather the information they need to make well-informed decisions.

### **3. Limitations of Mandating Deference to Prescribed Professionals**

Bill 17's changes would require municipalities to accept studies and reports signed by "prescribed professionals" as final, with no ability to insist on revisions or peer review of a deficient study as a condition of completeness.<sup>6</sup> In CELA's experience, the creation of a report by a technical expert does not guarantee its quality or accuracy.

Under current practice, municipal staff commonly review submitted studies and, where necessary, ask for clarifications, corrections, or independent peer reviews to verify findings. This oversight function is essential to ensure that development impacts are properly understood and mitigated. It is also often an expeditious way to resolve technical or environmental issues early in the process. We strongly oppose any regulation that would prevent municipalities from questioning or rigorously reviewing a consultant's work. If municipalities must accept a report at face value simply because it was created by a "prescribed professional," there is a real danger of error or bias going unaddressed.

Foreclosing peer review could backfire, slowing approvals and increasing costs, when flawed or conflicting reports cannot be easily resolved under the new rules. CELA submits that municipal authorities must be permitted to seek peer review or further analysis where a certified report is deficient, in order to safeguard the public interest.

### **4. Climate Change, Environmental Protection, and Long-Term Impacts**

CELA is particularly troubled by the potential environmental implications of limiting study requirements. The government's registry notice asserts these changes are expected to have a "neutral" environmental impact; however, we question this assumption.<sup>7</sup> Complete application studies often address environmental and climate-related considerations, for example, energy conservation or sustainability reports, floodplain and natural hazard assessments, impact studies on wetlands or species habitat, and other studies that ensure compliance with provincial environmental and planning policies. Removing the ability to require these studies upfront risks approvals proceeding without adequate understanding of environmental consequences.

### **5. Conclusion**

Ontario's land use planning regime works best when it facilitates well-informed, local decision-making with robust public participation. The proposed restrictions on gathering evidence as part


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<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

of a complete application regime will result in poorer outcomes. It is the public and governments who will bear the risks if crucial planning considerations are ignored. We urge the Ministry to maintain the current role of municipalities in assessing what technical studies are needed to make informed decisions.

Sincerely,



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Jacqueline Wilson  
Counsel



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Rhea Badhwar  
Law Student