

Updating Policies for Infrastructure Projects in Parks and Open Space Areas

The Planning and Housing Committee will consider the Decision Report for the [Proposed Official Plan Amendment 528](#) on September 26, 2024. The decision report will be posted to the [agenda](#) approximately one week in advance.

As the City grows, so does the need for essential services, public works, and utilities. There are times when public works and utilities projects cross through portions of our Parks and Open Space Areas and the Green Space System.

Policy Context

Currently, the City's Official Plan permits conservation projects, public transit, essential public works and utilities in Parks and Open Space Areas and the Green Space System when supported by an appropriate assessment. Official Plan Policies 2.3.2.4 and 4.3.8 indicate however, that the sale of publicly owned lands in those areas is discouraged and is not to be sold except where the lands can be exchanged for other nearby land of at least comparable size and utility. An Official Plan Amendment (OPA) is required if these policies cannot be met.

Land Disposal

When infrastructure providers (e.g., Toronto Hydro, Enbridge) need to locate utilities or facilities in parkland, the City either needs to sell the land to them, or allow another type of access, like an easement or a lease longer than 21 years.

In these cases, the City requires the proponent to submit an application to amend the Official Plan to allow the sale or access to occur. There can often be high volumes of these applications.

The process of transferring land from the City to another entity is a sale (“land disposal”). The disposal of land means either a transfer of ownership of the land or a transfer of a permanent or long-term interest in the land, such as an easement or a lease having a term of more than 21 years.

The City’s practice is that infrastructure proponents, who need to acquire lands in Parks, Open Space Areas and the Green Space System for a permitted use, are required to submit an application to amend the Official Plan to permit the infrastructure proponent to undertake ownership of the lands. The number of these applications have been increasing over recent years.

[Chapter 213](#) of the City’s Municipal Code sets out the policy for the disposal of land including that land must be declared surplus prior to the sale, with very limited exceptions. The proposed policy change would not alter the Councillors’ ability to be involved in the surplus declaration approval process. The proposed Official Plan policies are intended to work together with the City’s current disposal framework contained in Chapter 213 of Toronto’s Municipal Code. OPA 528 policies would provide a mechanism to allow select transactions, if they meet certain criteria, to be considered in the established disposal process under Chapter 213 without the requirement of a site-specific OPA.

Proposed Policy Update

The City is recommending policy changes (OPA 528) related to the disposal of lands in Parks and Open Space Areas. OPA 528 will specify limited exemptions that eliminate the need for a utility provider or public agency to seek an OPA as a precondition to them undertaking a land transaction to construct various types of utilities or undertake a conservation project.