



# Memorandum to the Committee of Adjustment

December 9, 2025

**Subject:** A/084/25 - 76 Highland Park Boulevard – Bill 17 and As-of-Right  
Variances  
**Hearing Date:** December 10, 2025

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This briefing provides an overview of Bill 17 as it relates to As-of-Right Variances, and the impacts on application A/084/25 – 76 Highland Park Boulevard, to be considered by the Committee of Adjustment on December 10<sup>th</sup>, 2025.

## Background

On June 5<sup>th</sup>, 2025, [Bill 17 – The Protect Ontario by Building Faster and Smarter Act, 2025](#) received Royal Assent. Portions of Bill 17 amended the *Planning Act, R.S.O. 1990, c. P.13, as amended* (The Act), by introducing provisions under Section 34 of The Act in which a development proposal may deviate from minimum setback distances within a prescribed percentage as determined by the Minister of Municipal Affairs and Housing. As per Section 34(1.5) of The Act, these provisions shall not apply to lands located:

- (a) in the Greenbelt Area within the meaning of the Greenbelt Act, 2005;
- (b) on a parcel of land that is not a parcel of urban residential land; or
- (c) on a parcel of land that includes any land in an area prescribed for the purposes of subsection 41 (1.2) of The Act

The intent of this provision would have the effect of permitting deviations from the requirements of a zoning by-law as-of-right, provided they fall within the percentage prescribed, without requiring the submission of a formal Minor Variance application for relief from the applicable Zoning By-law.

On November 19<sup>th</sup>, 2025, [Ontario Regulation 257/25](#) (O.Reg 257/25) was filed, further amending Section 34(1.4) of The Act to establish the prescribed percentage for a minimum setback distance at 90% of the setback distance defined in Section 34(1.7) of The Act.

## Minor Variance Application A/084/25 - 76 Highland Park Boulevard

As indicated in the [Staff Report](#) published December 3, 2025, Application A/084/25 – 76 Highland Park Boulevard was deferred at the September 10<sup>th</sup>, 2025 Committee of Adjustment meeting in order to address comments related to the proposed side yard setbacks and second-floor coverage. The applicant resubmitted revised drawings on October 22, 2025 to request the following variances:

- a) **By-law 2024-19, Section 6.3.2.2.1:**  
a minimum west side yard setback of 1.84 m and a minimum combined interior side yard setback on both sides of 3.68 m, whereas the by-law requires a minimum side yard setback of 1.8 m and a minimum combined interior side yard setback on both sides of 4.0 m;
- b) **By-law 2024-19, Section 6.2.1b):**



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a maximum roof projection of 2.54 m above the maximum outside wall height, whereas the by-law permits a roof structure with a pitch of less than 25 degrees to project a maximum of 1 m above the maximum outside wall height;

**c) By-law 2024-19, Section 6.3.2.2.c:**

a maximum main building coverage of 21.4% for any storey above the first, whereas the by-law permits a maximum main building coverage of 20% for any storey above the first;

In evaluating the amendments made to Section 34 of The Act through Bill 17 and O.Reg 257/25, Staff have determined that the request for a minimum combined interior side yard setback on both sides of 3.68 metres would meet the perscribed percentage for a setback distance outlined in Sections 34(1.4) and 34(1.7) of the Act, and have also confirmed that the Subject Lands do not fall within the areas outlined in Section 34(1.5) of the Act. As such, variance **a)** as outlined above would no longer be required as part of the applicant's submission.

Staff remain of the opinion that variances **b)** and **c)** as outlined above meet the four tests of The Act, and have no objection to the requested variances, subject to the conditions outlined in the Staff Report dated December 3, 2025.

### Conclusion

Staff will continue to review incoming applications in consultation with Building Standards to determine the applicability of any as-of-right variances and will continue to provide guidance to Committee Members and the public on how current or future amendments to The Act may affect Committee of Adjustment applications.

PREPARED BY:

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Greg Whitfield, Supervisor, Committee of Adjustment

REVIEWED BY:

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Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District