

June 26, 2025

Planning Consultation  
Ministry of Municipal Affairs and Housing Provincial Planning Branch  
13th Floor, 777 Bay Street  
Toronto, ON  
M7A 2J3

Submitted via email to [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca) and to [ERO # 025-0463](#).

To the Planning Consultation Team,

**Re: ERO # 025-0463: Proposed Regulation– As-of-right Variations from Setback Requirements**

On behalf of the Ontario Federation of Agriculture (OFA), thank you for the opportunity to participate in the consultation process for 025-0463: Proposed Regulation– As-of-right Variations from Setback Requirements. OFA wishes to highlight the following key points in our submission.

- OFA is pleased to see the countryside will not be affected by the new as-of-right provision for minor variances, which applies to urban areas.
- OFA advocates against the use of minor variances and other planning applications to reduce MDS I calculations.
- OFA requests that third-party appeal rights be restored to the *Planning Act*.

The Ontario Federation of Agriculture is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations administered by all levels of government. We are dedicated to ensuring that the agri-food sector and rural communities are considered and consulted with for any new or changing legislation that would impact the sustainability and growth of our farm businesses.

OFA appreciates this opportunity to provide input to the consultation on Bill 17's implementation through ERO # 025-0463. OFA understands that Bill 17 proposes amendments to several Acts that seek to streamline the planning system, particularly with respect to residential urban *settlement areas* and transit centres.

It is OFA's understanding that Bill 17 amended the *Planning Act* (1990) to enable the creation of a Regulation that allows lots of urban residential land outside of the *Greenbelt Plan* area that are not hazardous, shoreline, or railway lands to carry out as-of-right minor variances to reduce certain setbacks by 10 per cent or less. OFA thanks the Ministry of Municipal Affairs and Housing (MMAH) for not extending this as-of-right provision to parcels of rural and agricultural land.

Minor variances have been used in the countryside to permit incompatible land uses in proximity to one-another, diminishing the effectiveness of the policies found in the *Minimum Distance Separation Formulae* (MDS) that protect farmers from vexatious complaints and rural residents from livestock odour.

Using minor variances to reduce setbacks under the MDS is particularly detrimental to the livelihoods of livestock farmers. If a minor variance is used to reduce the setback required by an MDS I calculation, thereby permitting a *sensitive land use* (e.g. a residential dwelling) to be constructed in proximity to a *livestock facility*, that *livestock facility* will almost certainly not meet the requirements of future MDS II calculations. This circumstance makes it extraordinarily difficult for affected livestock farmers to grow their business and remain competitive in the market. There is also no normal appeal process for most planning decisions that reduce MDS setbacks, making those decisions permanent and leaving farmers without recourse.

Minor variances should not be used to permit *sensitive land uses* within calculated *Minimum Distance Separation* setbacks associated with livestock agriculture. OFA therefore thanks the MMAH for its attention to the concerns of Ontario's livestock farmers and rural communities.


OFA continues to express concern that third-party appeal rights have not been restored to the *Planning Act* (1990). It would be beneficial to Ontario's farmers to have third-party appeals restored to the Act. Doing so would assist livestock farmers whose operations have been limited by the approval of a residential or other *sensitive land use* within prescribed MDS setbacks.

## Closing Remarks

OFA appreciates the opportunity to provide our feedback and perspectives on the implementation of Bill 17 through ERO # 025-0463: Proposed Regulation– As-of-right Variations from Setback Requirements. Restricting as-of-right minor variances to Ontario's urban residential areas is in our view the right choice.

OFA looks forward to working with the provincial government to find policy solutions that support the agri-food sector.

Sincerely,



Drew Spoelstra  
President

cc: Hon. Rob Flack, Minister of Municipal Affairs and Housing;  
Hon. Trevor Jones, Minister of Agriculture, Food and Agribusiness;  
Hon. Lisa M. Thompson, Minister of Rural Affairs; and  
OFA Board of Directors

This submission has been approved by OFA Board of Directors and will be posted to OFA's website: <https://ofa.on.ca/resources>.