



The Honourable Doug Ford, Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

November 8<sup>th</sup>, 2022

The [Clean Air Council](#) (CAC) is a network of over 35 Ontario municipalities working collaboratively on clean air and climate change actions. [Clean Air Partnership](#) (CAP), a charitable environmental organization, facilitates the CAC network.

The Clean Air Council<sup>[1]</sup> and Clean Air Partnership is writing to you because we are extremely concerned about the impact Bill-23 will have, if it is passed as is, on municipal Green Standards.

We recognize the importance of accelerating affordable housing in Ontario and appreciate aspects of the bill that ensure progress towards affordability and housing intensification. Increasing density in lower density areas is critical to making maximum use of existing infrastructure and not furthering Ontario's infrastructure deficit. This increased densification is also critical to ensuring maximum use of Ontario's public transit investment and driving progress towards our climate and greenhouse gas commitments and targets. Advancing more housing options for all Ontarians is a desire we all share. But so is ensuring lower operational costs and advancing energy efficiency and sustainability of those developments.

We are concerned about Bill 23's impact on municipal green development standards. Specifically, it appears that this legislation includes clauses that will inadvertently burden Ontarians with higher utility and maintenance costs. These clauses in the legislation narrow site planning authorities to an extent that they will prevent municipalities from addressing energy efficiency and climate change in new buildings. This legislation as written would override council-approved sustainable design standards in Toronto, Ottawa, Brampton, Ajax, Whitby, Pickering, Halton Hills, Markham, Richmond Hill, Mississauga and other municipalities across Ontario. They risk causing disorder in the development process as municipalities with green development standards would have to redesign existing processes, creating uncertainty for both development departments and developers across Ontario. Ultimately, excluding energy, sustainability and climate from consideration in the planning process will leave new housing exposed to spiraling energy costs and carbon prices, and necessitate future retrofit costs.

Municipal energy and sustainability standards are well established parts of the planning process that happen concurrently with other review and approvals. The process has not been known to delay development, and further, there has not been a building permit or occupancy permit

denied based on municipal energy requirements. Energy efficiency rather improves affordability by ensuring quality homes with lower operating costs. New housing built to municipal green standards also qualifies for financial incentives including the CMHC Eco Plus mortgage insurance rebate, and Toronto's Development Charge Refund Program.

The Clean Air Council highly recommends that Schedule 1 (2) Subparagraph 2 iv of subsection 114 (5) of the City of Toronto Act and Schedule 9 (2) Subparagraph 2 (d) of subsection 41 (4) of the Planning Act be retained as per the Planning Act language below:

*d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality.*

Therefore, advancing the above recommendation would mean that the Province amends Bill 23 by deleting in Schedule 1 "(2) Subparagraph 2 iv of subsection 114 (5) of the Act is repealed" and Schedule 9 "(2) Subparagraph 2 (d) of subsection 41 (4) of the Act is repealed"

If the Province refuses to maintain municipal site plan controls as identified above, then the CAC maintains that at a **minimum** the sustainable design matters remain within municipal site plan authorities.

This will allow municipalities to preserve their long-standing green development standards and protect important advances in market advancements related to increasing the sustainability of Ontario communities.

As a reminder, Premier Ford, [supported and voted in favor](#) of the Toronto Green Standard when he was a Toronto Councillor. Green standards are in place in Whitby, Halton Hills, Ajax, Brampton, Markham, Richmond Hill, Vaughan, King Township, Kingston, Ottawa, Mississauga and in the process of being developed in several other Ontario municipalities. Green standards are broadly supported by key development stakeholders such as [constructors](#), [developers](#), [architects](#) and [utilities](#) for providing clarity and transparency on the desired sustainability metrics right at the beginning of the planning and design process.

The Clean Air Council is happy to answer any questions and provide any more information required related to this letter and can be engaged by reaching out to Gabriella Kalapos at Clean Air Partnership ([gkalapos@cleanairpartnership.org](mailto:gkalapos@cleanairpartnership.org)).

CC: Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Hon. David Piccini, Minister of the Environment, Conservation and Parks  
Hon. Todd Smith, Minister of Energy  
Hon. Michael Parsa, Associate Minister of Housing

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[i] Municipal staff representatives on the Clean Air Council (CAC) were consulted in the preparation of this submission, but direct endorsement of this document by Municipal Councils was not sought due to the limited time frame of consultations. Many municipalities are also preparing their own independent submissions on Bill 23. CAC representatives are the municipal change agents within leading climate change action municipalities and have been working collaboratively across the region for the last 20 years to support and enable progress on clean air and climate change actions. The consultations were facilitated by the Clean Air Partnership, a charitable environmental organization that serves as the secretariat for the Clean Air Council.