



Office of the Mayor

WAYNE H. REDEKOP

June 10, 2025

Sent via ERO 025-0450:

The Honourable Minister Flack
Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Subject: Town of Fort Erie Comments on Bill 17 – The Protect Ontario by Building Faster and Smarter Act, 2025 (ERO Posting Number 025-0450)

On behalf of the Council of the Town of Fort Erie, I am writing to provide formal comments regarding Bill 17, the *Protect Ontario by Building Faster and Smarter Act, 2025*, as outlined in Report PBBS-45-2025. The Town appreciates the Province's efforts to address housing and infrastructure challenges across Ontario and supports initiatives that promote sustainable growth and streamlined development processes. However, we have several concerns and recommendations regarding the proposed legislative changes.

Key Areas of Support:

- **School Development and Child Care Integration:** The Town supports the removal of zoning barriers to facilitate the development of schools and child care centres in residential areas, this change aligns with the Town's new draft Official Plan .
- **Portable Classrooms:** We recognize the need for flexibility in deploying portable classrooms but recommend limits on their number of portables permitted and duration of time that they are to remain on site, to maintain quality learning environments.
- **Setback Standardization:** The Town supports the proposed as-of-right minor setback variations, which will reduce administrative burdens and expedite housing delivery.
- **Innovative Building Materials:** We support the streamlining of approvals through reliance on the Canadian Construction Materials Centre (CCMC), which will improve efficiency.

Key Concerns and Recommendations:

- **Municipal Oversight and Local Autonomy:** The Town strongly opposes provisions that reduce municipal authority to review and require context-specific studies. Local planning decisions must reflect community values, environmental considerations, and infrastructure capacities.
- **Complete Application Requirements:** The proposed deeming of professional reports as complete without municipal review undermines accountability and transparency. We urge the Province to maintain municipal discretion in evaluating application completeness.

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- **Development Charges (DCs):** The Town does not support full DC exemptions for long-term care facilities or the prohibition of interest on deferred DC payments without corresponding provincial compensation. These changes risk shifting financial burdens to existing taxpayers. We request that the Province commit to making municipalities financially whole, as was done under Bill 23.
- **Ministerial Zoning Orders (MZOs):** While we support the use of MZOs with conditions, we caution against their use without local consultation, particularly in Transit-Oriented Communities (TOCs).
- **Operational Impacts:** The proposed changes will increase administrative demands and may require additional staffing and training. We request that the Province provide resources to support municipalities in implementing these changes.

In conclusion, while the Town of Fort Erie supports the Province's goal of building faster and smarter, we urge that local context, financial sustainability, and public trust be preserved through balanced legislation. We respectfully request that our comments be considered as part of the Environmental Registry of Ontario consultation under Posting Number 025-0450.

Thank you for the opportunity to provide input.



Sincerely,
Wayne Redekop
Mayor, Town of Fort Erie
wredekop@forterie.ca

cc.

Town Council
Chris McQueen, CAO
Anamika Dilwaria, Director, Planning, Building and By-law Services



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-45-2025

Meeting Date: June 9, 2025

1. Title

PBBS-45-2025 Bill 17, the Protect Ontario by Building Faster and Smarter Act, 2025

2. Recommendations

That: Council receives Report PBBS-45-2025, titled *Bill 17, the Protect Ontario by Building Faster and Smarter Act, 2025*, for information, and further

That: Council directs Staff to forward Report PBBS-45-2025 and formal comments to the Province through the Environmental Registry of Ontario (ERO) under Posting Number 025-0450 prior to the conclusion of the public consultation period.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

Initiative: Continue to implement policies that will enhance and protect the Town's built heritage.

4. List of Stakeholders

All Stakeholders

5. Purpose of Report

The purpose of this report is to provide a comprehensive summary of Bill 17, the *Protect Ontario by Building Faster and Smarter Act, 2025*, and to assess its potential implications for the Town of Fort Erie. The report aims to inform Council of the legislative changes proposed by the Province and to evaluate their anticipated impacts on local planning policies, development processes, financial frameworks, and municipal operations.

6. Analysis

Bill 17 proposes amendments to several Acts to accelerate infrastructure, housing, and transit development across Ontario. The legislation aims to streamline municipal processes, reduce development costs, and enhance provincial oversight in planning and development.

Proposed Legislative Changes

Planning Act Changes:

Elementary and Secondary Schools and Associated/Ancillary Facilities

Municipalities will no longer be permitted to prohibit the use of urban residential lands for the establishment of elementary or secondary schools, or for associated uses such as child care centres. This change necessitates a review of infrastructure capacity in residential areas, including considerations for traffic flow, parking availability, and utility services. Municipal zoning by-laws may require amendments to accommodate ancillary uses such as playgrounds and community facilities.

Staff Response

Staff supports this proposed change, recognizing that schools are essential in growing communities. Removing barriers to their development will help accelerate the construction of new schools. The Town's Draft Official Plan aligns with this direction, with policies that support integrating schools and child care centres into residential areas while ensuring infrastructure and zoning can accommodate these uses.

Portable Classroom Flexibility

Bill 17 introduces amendments to facilitate the deployment of portable classrooms on school properties by removing existing restrictions and streamlining approval processes. These provisions are designed to reduce regulatory barriers, enabling school boards to respond more efficiently to fluctuating enrollment and temporary accommodation needs. As a result, portable classrooms can be installed without undergoing the full scope of municipal approvals typically required for permanent structures, thereby accelerating the delivery of educational space where it is most urgently needed.

Staff Response

Staff understands that the proposed changes would enable school boards to respond more quickly to fluctuations in student enrollment by streamlining the process for installing portable classrooms. While this flexibility is beneficial in addressing immediate space needs, Staff believes there should be clear limits on both the number of portables permitted on a school site and the duration they are allowed to remain. Furthermore, Staff maintains that the long-term focus should remain on securing adequate funding for permanent, purpose-built school facilities to ensure students have access to high-quality learning environments.

Deeming Materials Prepared by Prescribed Professionals Complete

Bill 17 proposes amendments to the *Planning Act* that would deem certain development application materials complete if prepared by a person authorized to practise a prescribed profession, such as a qualified engineer or architect. For example, a transportation impact study submitted by a licensed engineer would automatically satisfy submission requirements, regardless of municipal concerns about its content. This shift effectively transfers key responsibilities from municipal authorities to third-party professionals, allowing them to certify compliance with planning requirements and play a more direct role in the development approval process. While intended to streamline development approvals, this change could significantly reduce municipal oversight, limit public input, and lead to developments that may not align with local priorities. Notably, the list of prescribed professions has not yet been released as part of Bill 17.

Currently, the Town ensures accountability through a collaborative process where reports are prepared with agreed-upon Terms of Reference and reviewed by municipal staff for accuracy and policy compliance. This process often involves revisions to address missing or incomplete information. The proposed changes would remove this critical layer of review.

Staff Response

Staff does not support this change. It risks creating governance gaps, weakening transparency, and reducing the Town's ability to enforce standards, particularly in areas like environmental review, where no formal body governs who can submit Environmental Impact Studies. Maintaining municipal oversight is essential to uphold public trust and ensure development aligns with community values and environmental standards.

Ministerial Approval Required Before Changes to Municipality's Complete Application Requirements

Municipal councils are now required to obtain written approval from the Minister of Municipal Affairs and Housing prior to adopting specific amendments to their official plans. Specifically, ministerial approval will be required for Official Plan amendments that: add, amend, or revoke provisions related to the information or material (e.g., studies or reports) that must be submitted as part of a complete planning application;

- Official Plan amendments under Section 22(5)
- Zoning by-law amendments under Section 34(10.2);
- Site plan control under Section 41(3.4);
- Subdivision approvals under Section 51(18);
- Consents under Section 53(3);

These changes are intended to give the Province greater oversight over the types of information municipalities can require from applicants, thereby standardizing and streamlining the development approvals process across Ontario.

Staff Response

The shift in authority from the Niagara Region to the Province represents a reduction in local municipal involvement in planning matters. While intended to streamline processes and promote consistency across municipalities, this change may limit the Town's ability to influence decisions that directly impact its community planning priorities.

Limiting Certain Reports from Complete Application Requirements

The Province is also proposing regulatory changes under the *Planning Act* as part of Bill 17. The proposed regulations under ERO 025-0462 would give the Minister of Municipal Affairs and Housing the authority to prohibit certain types of studies from being required as part of a complete planning application. While the exact list of prohibited studies has not yet been finalized, the regulation would allow the Minister to:

- Prescribe a list of subject matters for which studies cannot be required. Based on the draft regulation the following topics would not be required as part of a complete application; Sun/Shadow, Wind, Urban Design, and Lighting;
- Identify only specific studies that municipalities are allowed to request;
- Mandate acceptance of studies from certified professionals, reducing the need for duplicate or overly specialized reports.

This means municipalities would no longer be able to demand studies beyond those explicitly allowed by regulation or listed in their official plans unless they receive approval from the Ministry. The goal is to reduce inconsistencies across municipalities and eliminate unnecessary delays caused by excessive or redundant study requirements.

Staff Response

Staff does not support the proposed change. While the intent to streamline development approvals is understood, the changes would significantly limit the Town's ability to request context-specific studies that are critical to evaluating local impacts. These studies often provide essential information to ensure developments are compatible with surrounding areas and meet community expectations. Removing this flexibility could result in developments that overlook important design, environmental, and livability considerations.

Staff also has concerns about the lack of oversight in accepting studies from professionals without municipal review prior to an application being approved, which could compromise the quality and accountability of planning decisions. However, Staff does support the principle that municipalities should only require studies identified within their Official Plan. An important exception should be made when a report or study prepared by the applicant's professional recommends that further analysis is necessary. In such cases, the Town should retain the ability to request additional studies to ensure a thorough and responsible review process.

Standardization of Setback Requirements

Setback requirements are typically stipulated in municipal zoning by-laws, rather than the *Planning Act*. Bill 17 proposes to add new rules with respect to minimum “setback distance” to Section 34 of the *Planning Act*. The proposed regulation under the *Planning Act* (ERO 025-0463) introduces standardized provisions allowing minor, as-of-right variations to zoning setback requirements, permitting deviations of up to 10% from existing standards. These changes apply exclusively to designated urban residential lands and explicitly exclude the Greenbelt and other non-urban or environmentally sensitive areas, such as hazardous lands, shorelines, and lands adjacent to railways. By reducing the need for minor variance applications, the regulation aims to streamline the development approvals process, minimize administrative burden, and facilitate the timely delivery of housing, particularly additional residential units.

The proposed regulation under ERO 025-0463 aims at reducing the number of minor variance applications reviewed by the Committee of Adjustment by allowing as-of-right deviations of up to 10% from zoning setback requirements on certain urban residential lands. As an example, if a zoning by-law requires a five-metre setback from a property line, a setback of 4.5 metres would be permitted as-of-right without the need to seek a minor variance.

Subsection 34(1.6) is a proposed transition and deeming provision in the circumstance where the prescribed percentage changes (either higher or lower) over time. It provides that the minimum setback is deemed to be the minimum setback (a) on the day a building permit is issued and where that permit has not been revoked, or (b) on the day the lawful use of the building or structure was established where no building permit was required.

Proposed Subsection 34(1.6):

Despite any subsequent changes to a minimum setback distance as a result of any changes to a percentage prescribed for the purposes of subsection (1.4), the minimum setback distance in respect of a building or structure is deemed to be the minimum setback distance on the day,

- a) a permit is issued under subsection 8 (1) of the Building Code Act, 1992, in respect of the building or structure, where the permit was not revoked under subsection 8 (10) of that Act; or
- b) the lawful use of the building or structure was established, in the case of a building or structure in respect of which no building permit was required.

The province is also seeking input on whether other zoning standards, such as building height or lot coverage, should be eligible for similar as-of-right performance standards variations.

Staff Response

Staff supports the proposed change as it would streamline the approvals process, reduce administrative workload for both the Committee and municipal staff, and facilitate more timely housing development. However, Staff notes that this change may also reduce opportunities for public input on minor setback variances, as these would no longer require formal hearings or decisions by the Committee of Adjustment. While Staff acknowledges the broader goal of simplifying zoning by-laws and expediting planning processes, additional information and clarification from the Province are necessary before any meaningful comments or recommendations can be provided.

Ministerial Orders with Conditions (MZO)

The Minister of Municipal Affairs and Housing is granted enhanced authority under Bill 17 to impose and enforce conditions on land use and development through Ministerial Orders. These conditions must be fulfilled prior to the commencement of any associated land use or development activity.

The new subsection 47(1.0.1), if passed, would allow the Minister to impose conditions relating to the use of land or the erection, location or use of buildings or structures, if in the Minister's opinion the conditions are reasonable.

Staff Response

Staff supports the proposed authority for the Minister to impose conditions through Ministerial Orders, as outlined in Bill 17, as it aligns with the Town's current practice of requiring Clearance Letters to confirm that specific conditions of draft plan approval, such as environmental, engineering, or servicing requirements have been satisfied. This approach provides a consistent and transparent framework for ensuring that all development conditions are met prior to final approval.

Development Charges Act, 1997

Development Charge (DC) Exemptions

Introduces a new section 4.4 to the DC Act, which will provide a full exemption from municipal DCs for long-term care facilities, recognizing their role in delivering healthcare services and removing financial barriers to their development. This proposed exemption would not apply to a DC that was payable prior to Bill 17 coming into effect but would apply to any future DC payment or DC instalment(s) that is payable in accordance with section 26.1 of the DCA. Previously, these facilities were permitted to pay DCs over six annual installments, but the proposed exemption would eliminate the charge entirely.

Staff Response

Staff understands that the proposed change would enable long-term care facilities but does not support a full exemption without consideration to limit the impact DC revenue reductions such as this have on existing taxpayers and ratepayers. The Province should ensure municipalities are kept "whole" for any impact to Bill 17 changes, similar to what was committed to with Bill 23. Fort Erie has current activity related to this development type for which this change would likely result in \$0.9 million in lost DC revenues.

DC instalment Payments and Interest

Currently, section 26.1 of the DCA requires DCs for institutional and rental housing developments to be paid in six equal instalments, with municipalities empowered to charge interest on the instalments from the date the DC would otherwise have been payable.

Under Bill 17, DCs for institutional and rental housing development will continue to be paid in six annual instalments but may be pre-paid at any time without requiring an early payment

agreement. Bill 17 proposes to further amend the rules for interest payments on DC instalments by potentially prohibiting a municipality from charging interest on instalments that come due after a yet-to-be-determined date.

Section 26.1 is also proposed to be amended to provide that DCs for all residential development that is not rental housing shall be payable on occupancy of the building (or, where applicable, the issuance of an occupancy permit). These DCs may also be pre-paid at any time without requiring an early payment agreement.

Staff Response

Staff does not support the financial implications of this change. It is a loss of revenue that should again be accompanied by Provincial assistance to address the shift of cost burdens from developers to existing taxpayers.

Building Code Act, 1992

Streamlining Innovative Building Techniques and Construction Materials

Bill 17 also proposes a series of changes to the *Building Code Act, 1992* (the “BCA”), aimed at simplifying approvals for innovative construction products.

Bill 17 proposes to limit the role of the Building Materials Evaluation Commission by preventing it from reviewing or approving innovative building materials if the Canadian Construction Materials Centre (CCMC) is already reviewing or plans to review them. It also removes the Minister’s authority to approve such materials through a ruling, relying solely on CCMC evaluations. This change shifts more responsibility to the federal body and reduces Ontario’s independent oversight of new construction products.

Staff Response

Staff supports the proposed changes that limit the role of the Building Materials Evaluation Commission and remove the Minister’s authority to approve innovative building materials. By relying on evaluations from the Canadian Construction Materials Centre (CCMC), this change streamlines the approval process and reduces duplication and improving efficiency in the use of innovative construction products.

Limitations on Municipal Authority

Municipalities are prohibited from enacting by-laws pertaining to the construction or demolition of buildings that conflict with the authority or standards established under provincial legislation.

In addition, Bill 17 proposes several amendments to the *Building Code Act, 1992* aimed at streamlining construction and permitting processes across Ontario. These include reforms to the material approval process, intended to simplify and accelerate the evaluation of innovative building products and techniques. The bill also addresses inconsistencies in permit requirements across municipalities, with the goal of harmonizing standards and reducing administrative delays. Furthermore, it introduces greater design flexibility for four-storey townhouse developments, supporting more diverse and efficient housing forms.

Staff Response

Staff support these changes in principle but without knowing the specifics on what is being proposed it is difficult to know what impact the proposals will have. The streamline of innovative building products or techniques would simplify the building application process removing the need to review products as an alternative solution and reduce application review times.

The harmonizing of building code interpretations across municipalities will ensure the same regulations and requirements are being enforced by municipalities doing the reviews. This will make it easier for builders to submit permits across Ontario knowing the requirements won't be different.

Transit-Oriented Communities Act Expanded Ministerial Authority

The change aims to streamline the planning and delivery of Transit Oriented Communities (TOCs) by expanding the definition of TOCs and removing the need for approvals when entering into transit-oriented community agreements. Additionally, Bill 17 proposes to transfer the responsibility for powers granted by the *Transit-Oriented Communities Act, 2020*, from the Ministry of Transportation to the Ministry of Infrastructure. This change also proposes to grant the Minister of Infrastructure the authority to issue MZO's for TOC.

While the Town currently does not have any planned Transit Oriented Communities (TOCs), staff notes that the proposed changes under Bill 17, particularly the expanded definition of TOCs, streamlined agreement processes, and the transfer of authority to the Ministry of Infrastructure could raise concerns if TOCs are pursued in the future. The potential for Minister's Zoning Orders (MZOs) to be issued without local input may impact municipal planning autonomy.

Metrolinx Act 2006 and Ministry of Infrastructure Act 2011

Data Sharing Requirements

Municipalities and their affiliated agencies are required to provide relevant data and documentation, upon request, to support the planning and implementation of provincial transit and infrastructure initiatives.

Staff Response

Staff supports the requirement for municipalities and affiliated agencies to provide relevant data to support provincial transit and infrastructure initiatives. While the Town does not currently have provincial transit service, the Draft Official Plan includes supportive policies that encourage future integration as the community continues to grow.

Potential Implications for the Town

Diminished Local Autonomy

Bill 17 significantly expands the authority of the province, particularly the Minister of Municipal Affairs and Housing, over land use planning and development, which may constrain the Town's

ability to independently manage its growth and planning priorities. The legislation enables the Minister to prescribe or prohibit specific studies required for complete planning applications, override local zoning and official plan requirements, and mandate acceptance of certain professional reports. This centralization of decision-making reduces the discretion of Council and planning staff, potentially sidelining local context, community input, and long-term strategic planning objectives. As a result, the Town may face challenges in aligning provincial directives with its unique development goals, infrastructure capacities, and environmental considerations. The shift in authority could also impact public trust and engagement, as key planning decisions may increasingly be made without local consultation or oversight.

Facilitated School Development

The legislative requirement for municipalities to permit schools and related uses on urban residential lands is expected to streamline the approval process for educational facilities. This may support community growth and improve access to local education infrastructure, though it will also necessitate careful planning to ensure supporting services such as traffic management, parking, and utilities are adequately addressed.

Enhanced Development Incentives

The exemption of long-term care homes from DCs, along with flexible payment options for residential developments, may incentivize increased investment in housing and healthcare infrastructure. These financial measures could stimulate development activity, particularly in areas targeted for intensification.

Operational and Administrative Adjustments

Municipal staff may be required to adapt to new procedural requirements, including the acceptance of studies prepared by certified professionals and compliance with ministerial conditions. This may necessitate updates to internal review protocols, additional training, and potential reliance on external expertise to ensure regulatory compliance.

7. Financial, Staffing and Accessibility (AODA) Implications

Financial Implications

Bill 17 introduces several financial implications for municipalities, including reduced DC revenues due to exemptions for long-term care homes and deferred DC payments for residential developments, now payable at occupancy. These changes create cash flow challenges, may delay critical funding for infrastructure, and weakens the approach that “growth should pay for growth” by shifting the financial burden from development to existing taxpayers and ratepayers. To address this, the Province should ensure municipalities are kept “whole” for any impact to Bill 17 changes, similar to what was committed to with Bill 23. The [Ministry of Municipal Affairs and Housing Technical Briefing](#) notes that while municipalities can no longer charge interest on deferred DCs, they may apply recalculated interest on frozen DCs during specific periods.

To manage financial risk, municipalities may require securities such as letters of credit. Additionally, increased administrative and compliance demands, such as new ministerial approval processes and reporting obligations, could raise operational costs. Accelerated

development timelines may also pressure the Town to advance infrastructure investments, requiring adjustments to long-term financial planning.

Staffing Implications

Bill 17 is expected to increase the workload for planning, legal, and finance Staff, who will need to interpret complex new regulations and manage more time-sensitive development approvals. To effectively implement these changes, enhanced cross-departmental coordination will be essential. The Town may also need to consider hiring additional Staff or engaging external consultants to manage the increased volume and complexity of work, particularly in areas such as legal review, financial modeling, and technical assessments. Ongoing training and professional development will be critical to ensure staff remain up to date with evolving legislative requirements.

Accessibility for Ontarians with Disabilities Act (AODA) Implications

The proposed changes would not impact AODA requirements.

8. Policies Affecting Proposal

Bill 17 introduces new provincial requirements that if approved would require further amendments to the Town's new draft Official Plan, and would also require changes to Zoning By-law No. 129-90 to allow schools and child care centres in residential areas.

Additionally, the Town's planning procedures may need revision to align with new standards limiting study requirements and mandating acceptance of certified professional reports, potentially reducing the depth of technical review in planning decisions.

9. Comments from Departments, Community and Corporate Partners

This report was developed through a collaborative effort involving the Planning, Building, and Finance Departments. Input from these departments was integral in assessing the legislative impacts of Bill 17, evaluating financial and operational implications, and ensuring alignment with the Town's strategic planning and regulatory frameworks.

10. Alternatives

At this time, no alternative options or policy approaches are being proposed within the scope of this report. The focus remains on analyzing and responding to the legislative changes introduced through Bill 17, as outlined in the Environmental Registry of Ontario (ERO) Posting [025-0450](#).

11. Communicating Results

The Town intends to submit formal comments to the Province in response to the proposed legislative changes outlined in Bill 17, the *Protect Ontario by Building Faster and Smarter Act, 2025*. These comments will be submitted through the Environmental Registry of Ontario under ERO Posting Number 025-0450, prior to the conclusion of the public consultation period on June 11, 2025.

12. Conclusion

It is recommended that Council receive this report for informational purposes and acknowledge its contents as part of the ongoing review and response to the proposed legislative changes under Bill 17.

The Town also requests that the Province commit to making municipalities financially whole as part of the proposed Bill 17, ensuring that local governments have the necessary resources to support growth and deliver essential infrastructure and services.

13. Report Approval

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14. Attachments

Appendix 1 – Bill 17 the Protect Ontario by Building Faster and Smarter Act, 2025