

June 5th, 2025

RE: ERO posting No. 025-0461; Submission Regarding the Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)

Dear Minister Flack,

On behalf of Middlesex County Council, I am writing to provide comments on Bill 17 – Protect Ontario by Building Faster and Smarter Act, 2025. While we commend the Province's continued efforts to improve housing affordability and streamline development approvals, several components of Bill 17 and the associated regulations warrant further consideration to avoid unintended consequences for rural and small urban municipalities.

Rural and small urban communities across Ontario face distinct challenges related to housing affordability, availability, and accessibility. That said, many of the communities within Middlesex County have demonstrated a strong commitment and the ability to provide housing opportunities. According to the 2021 Census, Middlesex County experienced 9% population growth over a five-year period and is projected to continue along this trajectory, with an average annual growth rate of 1.8% forecasted to 2056, based on the Ministry of Finance's Fall 2024 projections.

Middlesex County is supportive of legislative amendments that aim to enhance efficiency, consistency, and transparency in the planning approvals process. In particular, the proposed introduction of a standardized data tracking and permit system represents a positive step forward. The County has previously participated in the Province's Data Standards for Planning and Development Applications working group and welcomes continued collaboration on this important initiative.

The following submission outlines Middlesex County's comments on Bill 17, with a focus on the proposed changes that are expected to have the most significant implications for the County and its local municipal partners.

Standardized Land Use Designations

Middlesex County recognizes the Province's intent to improve consistency and comparability across jurisdictions through the proposed standardization of land use designations. While this approach may support streamlined planning frameworks, it

may also present implementation challenges, particularly for rural municipalities.

Flexibility in land use designations plays an important role in allowing municipalities to reflect area-specific planning contexts. In rural areas, land use planning often requires locally informed and context-specific policy approaches. There is currently limited clarity on how the proposed standardized designations will reflect the varied planning needs of municipalities across the province.

Further clarification on the implementation of this proposed change would assist municipalities in evaluating the potential impacts. From a preliminary perspective, there may be an increased reliance on site-specific official plan amendments to address planning considerations not captured by a standardized designation and its associated policies.

Middlesex County would welcome continued dialogue on this matter and encourages the Province to consider options that balance consistency with the need for local responsiveness in land use planning.

As-of-Right Variance Model

Middlesex County acknowledges the Province's objective to streamline planning approvals through the proposed introduction of an "as-of-right" variance model for proposals that are within 10% of prescribed setback requirements. This approach has the potential to reduce the volume of minor variance applications and alleviate certain administrative burdens for both applicants and municipal staff.

However, the County notes that this proposed change may also present implementation challenges. Specifically, there are concerns that it could lead to a more reactive approach to development control and by-law enforcement. This may be particularly difficult for local municipalities with limited staffing capacity and technical resources, where proactive planning and enforcement are already constrained.

It is also noted that the proposed as-of-right model is limited in scope to minor variances related to setbacks. Clarification on how this provision would be implemented and monitored, and whether municipalities will retain discretion in enforcement approaches, would be helpful in assessing the full implications of the change.

Planning Application Requirements and Peer Review

Middlesex County has reviewed ERO Posting 025-0462 regarding the proposed Complete Application Regulation, which outlines specific studies that municipalities

would no longer be permitted to require as part of a complete application. The posting also seeks input on which certified professionals should be included on a prescribed list whose reports and studies must be accepted by municipalities as final studies.

The County's Official Plan includes a detailed list of required studies and reports, developed through prior consultation and approval by the Province. In this context, the County requests clarification on whether similar lists adopted by local municipalities through their Official Plans would also be subject to Ministry approval, given that the County is the Approval Authority for local Official Plans.

Further clarity is also requested regarding the proposal to prescribe a list of qualified professionals whose submissions must be accepted by municipalities as final. It is currently unclear whether municipalities would retain the ability to request peer reviews of such submissions when prepared by a prescribed professional. The ability to implement peer review protocols is a critical tool for municipalities not only as a risk management measure, but also to ensure public safety, uphold professional accountability, and confirm the technical adequacy of complex studies prior to approval or construction.

In practice, professionals working within the same discipline may reasonably arrive at different conclusions or propose varying designs. While both approaches may be valid, one may pose long-term risks or costs to the municipality and vice versa. The ability to review and validate technical submissions is essential to ensuring balanced outcomes that serve the public interest. Peer review plays a key role in ensuring that reports and studies are technically sound, contextually appropriate, and balanced in the interests of municipalities, applicants, and the broader community.

Middlesex County appreciates the opportunity to provide feedback and encourages the Province to ensure that any new regulatory framework preserves appropriate local discretion and maintains the necessary checks and balances to support informed, responsible decision-making.

Development Charges Reform

Middlesex County has reviewed the proposed changes to the Development Charges Act as outlined in the legislative amendments associated with Bill 17. One area of concern is the proposed option for applicants to defer development charge (DC) payments without interest. This provision may lead to significant cash flow challenges for municipalities, potentially requiring the advancement of infrastructure projects through the use of reserves, debt, or operating funds. Such an approach places added strain on already limited financial resources and may impact a municipality's ability to deliver necessary infrastructure in a timely and sustainable manner.

In addition, the proposed requirement for municipalities to spend or commit 60% of collected DC funds within a specified timeframe could have unintended consequences for long-term asset management. This limitation may reduce a municipality's capacity to accumulate adequate reserves for large-scale infrastructure projects or to strategically align investments with asset lifecycle planning and fiscal sustainability objectives.

The County encourages the Province to consider additional flexibility in the implementation of these provisions, particularly for rural and small urban municipalities, to ensure that infrastructure planning and investment can be managed in a way that is both financially responsible and aligned with local growth needs.

Private Communal and Off-Grid Servicing

Middlesex County acknowledges the potential role that private communal and off-grid servicing models may play in supporting housing development in under-serviced areas. However, the introduction of such systems also raises important considerations related to governance, liability, and long-term operational sustainability.

In the absence of a clearly defined provincial oversight framework, there is concern that municipalities could be left to assume responsibility for privately initiated infrastructure systems that may be challenging to operate and maintain over the long term. This could result in significant financial and administrative burdens for municipalities, particularly those with limited capacity.

To mitigate these risks, any servicing model introduced as part of the legislative or regulatory changes must include clear accountability mechanisms, support public interest outcomes, and preserve municipal control where appropriate. Ensuring long-term financial viability, operational clarity, and transparent governance will be critical to the successful implementation of alternative servicing approaches.

Conclusion

Middlesex County offers the following considerations for the Province's review as part of the ongoing consideration of Bill 17:

- Maintain municipal discretion to request peer reviews of technical studies, where appropriate;
- Recognize potential fiscal impacts associated with deferred development charge payments and prescribed spending timelines;

- Establish a clear and transparent governance framework for private communal servicing systems.

Middlesex County remains committed to working collaboratively with the Province to address Ontario's housing needs. We are supportive of initiatives that enhance housing supply while ensuring that growth and infrastructure planning are aligned with the unique characteristics and capacities of our communities. We appreciate the opportunity to provide input and welcome continued dialogue. We would be happy to provide further information or discuss our submission in greater detail at your convenience.

Sincerely,

Brian Ropp
Warden, Middlesex County

A handwritten signature in black ink, reading "Brian Ropp". The signature is written in a cursive, flowing style with a large initial "B" and a long, sweeping underline.