

# Enbridge Feedback on the Protect Ontario by Building Faster and Smarter Act, 2025

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## About Enbridge Gas Inc.

*Enbridge Gas is Canada's largest natural gas storage, transmission and distribution company based in Ontario, with more than 175 years of service to customers. The distribution business provides safe, affordable, reliable energy to about 3.9 million homes, businesses and industries in Ontario and is supporting the transition to a clean energy future through net-zero emissions targets and investments in innovative low-carbon energy solutions. With the recently announced acquisition of three gas utilities serving customers in five US states, Enbridge owns and operates the largest gas utility franchise in North America. The storage and transmission business offers a variety of storage and transportation services to customers at the Dawn Hub, the largest integrated underground storage facility in Canada and one of the largest in North America. Enbridge Gas is owned by Enbridge Inc., a Canadian-based leader in energy transportation and distribution.*

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## Introduction

Enbridge Gas Inc. (Enbridge) commends the Government of Ontario (Government) for its leadership in introducing the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). As Ontario confronts a growing housing and affordability crisis, this legislation represents a meaningful step towards streamlining approvals, reducing construction costs, and accelerating the delivery of new housing. Enbridge appreciates the opportunity to provide feedback and remains committed to delivering the reliable, affordable, and scalable energy needed to support Ontario's housing and economic objectives.

## Executive Summary

Ontario stands at a critical juncture in its effort to streamline development approvals and accelerate the delivery of new housing. At a time when federal and provincial governments are focused on reducing internal trade barriers and unlocking housing potential, it's important that efforts at the local level align with—rather than hinder—these goals.

The Ontario Building Code (OBC) stands as a national model to follow for balancing energy efficiency, affordability, and practical construction standards. Developed through a rigorous, consultative process that considers both the costs and benefits, the OBC reflects a thoughtful approach to regulation that supports both industry and public policy goals. The latest updates eliminated more than 1,700 technical discrepancies with the National Building Code (NBC), underscoring Ontario's leadership in harmonizing building standards across jurisdictions. Preserving the OBC as the single, mandatory framework for building construction and demolition ensures regulatory consistency while advancing Ontario's goal of building 1.5 million homes by 2031.

Enbridge supports the Government's direction in Bill 17 to reinforce the primacy of the OBC and clarify municipal authority in this area. However, experience shows that many municipalities are using tools outside the Municipal Act or City of Toronto Act, such as site plan control under the Planning Act or council-endorsed frameworks, to impose Green Development Standards (GDS) and other energy performance requirements. These standards often create conflicting or duplicative obligations, introduce uncertainty for builders, and work against the very harmonization efforts that Bill 17 seeks to advance. In many instances, GDS are implemented without sufficient alignment with provincial energy planning objectives or a robust cost-benefit analysis. Critical considerations such as impacts on electricity demand, the costs and feasibility of expanding transmission and distribution infrastructure, and measurable greenhouse gas (GHG) reductions are frequently overlooked or insufficiently examined. This lack of integration risks increasing housing costs and placing unnecessary strain on the province's electricity system, while also narrowing consumer energy choices at a time when housing affordability is already under significant pressure.

To support the success of Bill 17 and ensure its objectives are fully realized, Enbridge recommends the following:

1. **Uphold the OBC as the sole, mandatory standard** for building performance by providing greater legislative clarity and certainty to prevent municipalities from imposing conflicting or additional requirements, including through site plan control or council-endorsed standards.
2. **Prevent municipal retrofit mandates** by clarifying that local by-law authority does not extend to building renovations, thereby protecting housing affordability and consumer energy choice.

## Recommendations

The following recommendations outline targeted actions to strengthen Bill 17 and ensure its effective implementation across Ontario.

### Recommendation 1: Provide Legislative Clarity to Uphold OBC Primacy

In addition to powers under the *Municipal Act, 2021* (Municipal Act) and the *City of Toronto Act, 2006* (City of Toronto Act), municipalities also rely on authority granted under section 41 of the *Planning Act, RSO 1990* (Planning Act) through the site plan control process to implement GDS. These standards are often embedded into the planning approvals process to advance energy performance objectives, as seen in municipalities such as Ajax, Pickering, Whitby, Halton Hills, Brampton, East Gwillimbury, Vaughan, Aurora, King, Markham, Richmond Hill, and Toronto.

As currently drafted, Bill 17 does not explicitly limit a municipality's ability to impose building-related requirements through municipal powers outside of the *Municipal Act* and the *City of Toronto Act*. This misses an opportunity for establishing regulatory certainty and risks municipalities continuing to enforce unique building standards that conflict with the OBC, thereby undermining the intent of Bill 17 to ensure consistency and clarity across the province.

**Enbridge recommends that the Government:**

- i. **Review Bill 17 to ensure it provides sufficient legislative clarity and, if necessary, introduce amendments to confirm that municipalities do not have the authority to establish unique building performance standards beyond those set out in the OBC, regardless of the legislative mechanism used.**
- ii. **Clarify that this restriction applies to both site plan control requirements under section 41 of the *Planning Act* and to any council-adopted or endorsed standards that impose mandatory building performance criteria outside the scope of the OBC.**

### Recommendation 2: Ensure Municipal By-Law Powers Do Not Extend to Renovations

While Bill 17 clarifies municipal authority over new construction and demolition, it does not explicitly preclude municipalities from imposing requirements on renovations to existing buildings. Municipalities are increasingly proposing Building Emission Performance Standards (BEPS) to drive reductions in energy use and GHG emissions from existing buildings. These policies set performance targets, typically tied to energy efficiency or emissions intensity, that buildings must meet within specified timelines. Many BEPS by-laws prioritize electrification as the primary compliance pathway. This approach risks limiting consumer choice and access to affordable energy solutions, particularly as households already face mounting cost-of-living pressures. In many cases, non-compliance with BEPS targets can also trigger penalties, adding further financial strain on building owners and tenants.

**To close this gap, Enbridge recommends updating Schedule 1 of the *Building Code Act, 1992*, section (1.1), to include the word “renovations.” This amendment would ensure that municipalities cannot impose mandatory retrofit requirements (i.e. BEPS) through local by-laws. The updated provision would read:**

***“(1.1) For greater certainty, sections 9, 10 and 11 of the *Municipal Act, 2001* and sections 7 and 8 of the *City of Toronto Act, 2006* do not authorize a municipality to pass by-laws respecting the construction, renovation or demolition of buildings.”***

## Conclusion

Enbridge appreciates the opportunity to provide this submission in support of Bill 17. Clear, consistent, and coordinated regulatory frameworks are essential to unlocking the infrastructure and investment required to meet Ontario's ambitious housing targets and economic growth objectives. Enbridge stands ready to work in partnership with the Government of Ontario to advance an integrated energy and development strategy—one that delivers growth, prosperity, resilience and opportunity for communities across the province.

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