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June 11, 2025

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

Submitted via the Environmental Registry and email: PlanningConsultation@ontario.ca

Re: County of Grey Comments on Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025, and Associated Regulations / Consultations in Response to Environmental Registry Postings: 025-0461, 025-0462, 025-0463, 025-0450, and Regulatory Registry proposed 25-MMAH003

Dear Ministry Staff:

Thank you for the opportunity to comment on the above-noted Environmental Registry and Regulatory Registry postings. County staff acknowledge that Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025 received Royal Assent on June 5, 2025. Along with Bill 17 there are also a series of proposed regulatory changes, for which the province is also seeking comments. At the May 22, 2025 County of Grey Committee of the Whole meeting, the following resolution was passed:

“That the correspondence regarding Bill 17, Protect Ontario by Building Faster and Smart Act, 2025 be received; and

That staff provide comments on the proposed legislation prior to the June 11th, 2025 deadline.”

Grey County offers the following comments in the spirit of partnership, and as a means by which to collaborate with the province with ongoing legislative and regulatory changes. Staff would note that some of these comments were drafted prior to Bill 17 receiving royal assent on June 5, 2025.

The below comments focus on Bill 17, the above-noted postings, and the Bill 17 technical briefing found here:

<https://news.ontario.ca/assets/files/20250512/19d2a4c35c57a7991c6ed55c42393cd2.pdf>

Development Charges Act and Regulations

1. *Exempting Development Charges (DCs) for long-term care homes.*

Staff Comment: Staff are supportive of DC exemptions for long-term care homes.

2. *Deferral of payment of DCs to occupancy for residential development.*

Staff Comment: Staff have four comments regarding these changes as follows:

- a) Deferring payment to occupancy will be administratively burdensome for municipalities to track and administer. If DCs are not paid, and municipalities do not have the ability to restrict occupancy, then adding unpaid amounts to taxes, becomes even more onerous.
- b) The changeover to payment at occupancy may create challenges for municipalities in the short-term changeover period. For example, if municipalities are relying on the collection of DCs to fund crucial infrastructure projects, but those DCs are no longer being collected at the building permit stage, it may result in financial impacts on municipalities that could see the delay of municipal infrastructure projects resulting in the delay of development including housing and employment lands.
- c) Section 26(2) of the Act currently allows municipalities to collect DCs at the time of entering into a subdivision or consent agreement. The new change to collection at occupancy would appear to conflict with this section and remove the ability for municipalities to collect at the agreement stage. Perhaps some further clarity could be offered on whether this ability has been removed or not.
- d) Staff would appreciate the ability to provide further input on when financial securities could be collected to ensure the payment of DCs at occupancy, as referenced at 26.1(3.2) of the Act. Allowing for securities to be posted may help add assurances regarding the collection of DCs with respect to item (a) above.

3. *Streamlining processes for some DC by-law amendments to reduce charges.*

Staff Comment: Staff are generally supportive of these changes.

4. *Payment of lower DCs for rate freezes.*

Staff Comment: Staff are generally supportive of these changes.

5. *Payment of residential and institutional DCs earlier than a by-law requires without a section 27 agreement.*

Staff Comment: Staff have concern that this change could be both administratively burdensome to track, and lead to payment of DCs prior to indexing or proposed by-law changes. If the latter were true, it may mean that municipalities are short on capital to finance projects identified in their DC background studies (i.e., the true costs of the projects are not reflected in the DCs collected).

6. *Limits to eligible capital costs via regulation.*

Staff Comment: Staff have concerns with respect to future regulations that could further limit municipal ability to charge DCs for capital costs. If such changes are being contemplated, County staff would first request additional municipal consultation, or the identification of stable provincial funding sources to recoup such costs. Staff worry that further restrictions on cost collection could delay infrastructure projects which are needed to support growth.

7. *Defining local services via regulation.*

Staff Comment: Staff are generally supportive of transparent definitions of local services, provided municipalities are first consulted on said definitions.

8. *Merging services for issuing DC credits via regulation.*

Staff Comment: Staff request further municipal consultation prior to the regulations. The removal of municipal discretion could impact municipal ability to finance infrastructure.

9. *Prescribe methodologies for calculating the benefits of new infrastructure to existing development.*

Staff Comment: Staff support the intent of this move towards standardization, but would request additional details and consultation before any changes are made.

10. *Increased transparency through additional reporting including requirements to spend or allocate 60% in DC reserves.*

Staff Comment: Prior to any expansion to reporting requirements, municipalities should be further consulted. Mandatory reporting should be both simple, and reflective of the fact that municipalities need to carry DC reserves to finance larger projects as identified in their DC background studies.

11. *Allowing for indexing based on London's non-residential building construction price index.*

Staff Comment: Staff are generally supportive of this change.

Planning Act and Regulations

12. Limiting requirements for complete applications, accepting materials by prescribed professionals, and ministerial approval required for complete application official plan amendments.

Staff Comment: To date, lighting, sun/shadow, urban design, and wind studies have been cited as studies which could no longer be required as part of complete application submissions. Within Grey County these four studies are not commonly used, that said staff see merit in being able to ask for such studies in limited circumstances, such as renewable energy projects, or in larger urban environments. Staff are not certain if additional studies could also be added to this list via regulation. Furthermore, staff are unaware if these four studies cause significant delays in the development process, e.g., lighting plans and sun/shadow modelling appear quite straightforward to conduct.

Rather than such broad reaching limits, staff would suggest the following options for consideration.

- a) Work with municipalities and the development community on standardized terms of reference for studies/reports commonly required in the development process. Greater standardization in the terms of reference could lead to easier development pathways for professionals and developers that work across multiple municipal boundaries.
- b) Reinstate the ability for mandatory pre-submission consultation by-laws. Municipalities, conservation authorities, and even provincial ministries such as the Ministry of Transportation (MTO) have all expressed value in a pre-submission consultation process which outlines the application requirements, including the scope of studies/reports needed. Having the ability to engage in such discussions prior to the commencement of applications under the *Planning Act* can lead to better outcomes and a speedier application process.
- c) Rather than requiring written approval by the Ministry of Municipal Affairs and Housing (MMAH) prior to an official plan amendment to change complete application requirements, simply publish a list of those studies/reports municipalities have the ability to ask for. Requiring MMAH approval could be burdensome, particularly for those municipalities in a two-tier municipal environment where the municipal plan would conform to the upper-tier plan (i.e., if the Ministry has already approved the upper-tier list, then why would MMAH also need to sign off on the lower-tier list if it's in conformity to the upper-tier).
- d) Further to item (c) above, staff note that development performance programs, such as the Future Ready program Grey is currently proposing,

may require studies/checklists to assess proposed developments' alignment with program objectives. Maintaining some flexibility to require reports or checklists which assist in meeting local climate targets would be beneficial.

- e) Not knowing which professions would be prescribed for the purposes of accepting a complete application makes this regulatory change difficult to comment on. Staff would note that even in engineering studies such as a Stormwater Management Report, there can be a huge variation in the submissions received, even when both submissions may come from a licensed engineer. As per item (a) above, having a standardized terms of reference may assist in this regard.

13. Adding the ability to impose conditions on Ministers Zoning Orders (MZOs)

Staff Comment: Staff are generally supportive of this change. Staff are unclear whether this change is only on a 'go-forward' basis, or if it could also be applied retroactively. There may be merit in adding conditions to some MZOs retroactively.

14. Applying as-of-right variations to setbacks to avoid some minor variances on parcels of urban residential land.

Staff Comment: Staff are generally supportive of the intent of this change, but have some suggestions for its application.

- a) Perhaps instead of allowing for as-of-right setback variances within a certain percentage (e.g., 10% of the by-law requirements), there could instead be delegated authority to municipal staff for granting such minor variances. Having delegated authority would eliminate the need for committee of adjustment and circulation processes, but still allow some level of review by planning and building staff to ensure the varied setback is appropriate, and doesn't create any health and safety or other concerns.
- b) Consider making such changes not just on parcels of urban residential land, but perhaps any residential parcel within a designated settlement area i.e., to also include privately or partially serviced settlement areas.
- c) Consult with municipalities on whether additional criteria could be included in such variances, e.g., height. Some other variances, such as lot coverage may not be appropriate, as it may have an impact on stormwater management.

15. Planning for elementary and secondary school approvals by permitting such uses on parcels of urban residential land and limiting the use of site plan control for portables.

Staff Comment: Staff are generally supportive of the intent of this change, but have some suggestions for its application.

- a) The placement of additional portables is generally supported, subject to any revised stormwater considerations as a result of increased impermeable surfaces.
- b) In some cases, additional portables are needed based on long-standing existing school capacity not meeting current demands. However, where new schools are built, ideally such schools will be constructed to meet current and future demands, such that portables are not needed. Building from changes in the recent Provincial Planning Statement (PPS) 2024, staff see the ability for greater collaboration between school boards and municipalities. This collaboration should consider ministry and municipal growth forecasts and ensuring all parties are clear on the growth levels being projected. Additionally, provincial school funding models should be appropriate for 'up-sizing' new builds or additions to ensure such facilities meet longer-term demand, and not just current demand (i.e., reducing the need for portables once a new facility is built or added onto).
- c) Should schools be permitted as-of-right on parcels of urban residential land, school boards may also need to consider additional funding for municipal infrastructure upgrades. Added costs such as turning lanes, traffic lights/crosswalks, stormwater management capacity, sidewalks, etc. all need to be considered as 'off-site costs' before siting a new school in a neighbourhood. In some cases in Grey County, new schools only had funding for on-site costs, which left those additional infrastructure upgrade costs to the municipality or the County.

16. Targeted outreach on official plan population projection updates to utilize Ministry of Finance forecasts, or upper-tier forecasts, whichever is higher.

Staff Comment: Staff understand the intent of this change, but would note the following. The Provincial Planning Statement (PPS) 2024 has been in effect for less than a year. Many municipalities, Grey County included, are undertaking growth reviews to consider the Ministry of Finance (MOF) population forecasts. Population growth is often heavily influenced by employment growth. The MOF numbers do not provide employment forecasts. As such, when municipalities update their official plans with the MOF numbers, there is still a lot of work to be done on employment forecasts. Furthermore, the MOF forecasts are variable e.g., many municipalities dropped in the forecasted growth between 2023 and 2024. As such, municipalities may be reluctant to base their growth numbers too heavily on the MOF numbers. County staff appreciate the proposed

update to the Projection Methodology Guideline (PMG). Staff recommend a 'grace period' be given to municipalities to update their official plans in light of current municipal workloads, the PPS 2024 changes, the evolving MOF numbers, the pending PMG update, and a challenging economic outlook in the short-term.

17. Capping inclusionary zoning at 5% and a 25-year maximum affordability period.

Staff Comment: Inclusionary zoning is not currently in use in Grey County by any of Grey's member municipalities. Grey has been working to see more housing built across the County to meet both local and provincial objectives. One of the most commonly heard concerns at the council table is that the County 'is not seeing enough affordable housing being built'. Legislatively the County and member municipalities have limited tools to require housing affordability, and as such only market housing is built by the private sector. Staff empathize with the need to protect the housing market in challenging economic times. However, staff would also note that the County does not have the funding to supply enough deeply affordable housing units across the County. As such, staff request some additional consideration be given to expand inclusionary zoning abilities beyond protected major transit station areas and those municipalities prescribed by the minister. Alternatively, if there was a significant sustained funding source for the development of new affordable non-profit or municipal housing, that would also assist in filling this need within Grey's communities.

18. Consultations on making provincial policy tests inapplicable to all of the minister's decisions under the Planning Act.

Staff Comment: Staff do not support this change. While staff realize the need for nimble responsive decision making, this could send the wrong message to the public, municipalities, and developers. If municipal planning decisions need to be consistent with provincial policy, then so too should provincial planning decisions.

19. Streamlining official plans to establish simplified and inclusive land use designations with more permitted uses.

Staff Comment: Staff support such an initiative in principle, subject to robust consultation with municipalities and the development community. A logical 'next step' would also be similar streamlining of zoning by-laws across the province. In both cases, there would be the need for some community specific variation, but significant portions of both official plans and zoning by-laws could be standardized.

Building Code Act and Municipal Act

20.Reducing the powers of the Building Materials Evaluation Commission to restrict innovative building materials.

Staff Comment: Provided safety remains paramount, staff have no concerns with this approach. Innovation may be key to achieving provincial and local greenhouse gas emission abatement targets.

21.Clarifying municipal roles as it pertains to by-laws regulating the construction and demolition of buildings.

Staff Comment: Staff understand the intent of ensuring common construction standards across the province through the Building Code. However, staff have two potential areas of concern as it relates to this change.

- a) Grey County is currently partnering with Dufferin County and Wellington County on the development of a Future Ready Development Performance Program. The tri-county project has funding from Natural Resources Canada under the Codes Acceleration Fund to prepare for upcoming changes to the federal code which will require net-zero building. The three counties have invested a significant amount of time and resources into the program to date. Implementation of this program assists all three counties in meeting the objectives of their respective climate action plans, in supporting the development of efficient and low running cost housing (helping address housing affordability) and in supporting the development community to prepare for future net-zero standards. Some of the recommendations of the proposed Future Ready program are rooted under the *Planning Act*, but other recommendations rely on the current abilities under the *Municipal Act*. Staff recommend that municipalities be allowed to enact bylaws related to construction or demolition, provided they do not conflict with the Ontario Building Code.
- b) This change could also impact the municipal ability to carry out recommendations from technical studies associated with development applications, such as the requirement for tertiary treatment septic systems, upgraded windows/cladding for noise abatement, reduced pressure backflow preventors, etc. In each of these cases the requirement may go beyond the Ontario Building Code, but there may be justifiable reasons for requiring such measures based on technical studies from the developer or the municipality.

Other

22. Reviewing MTO corridor management permitted process and standards.

Staff Comment: Staff are supportive of this review and would ask that both municipalities and developers be included in the consultation of such reviews. Staff value the current working relationship with MTO, but there are times when MTO's current processes appear 'at odds with' other current provincial priorities, such as the construction of additional homes, or employment lands.

23. Harmonization of road construction standards across Ontario's 444 municipalities.

Staff Comment: Staff would support further consultation on this topic. Staff would note that there will need to be some variation in standards based on climate, traffic levels, municipal budgets, etc. but do see merit in additional standardization.

24. Streamlining the collection of planning and building data, including utilization of technology solutions.

Staff Comment: Staff are supportive of this initiative. Should there be further standardization, implementation funding to municipalities should be offered to harmonize the new data standards.

Grey County appreciates the ability to provide comments on these matters. Please do not hesitate to contact me should you wish to discuss any of the County's comments further, or should you require input on any additional matters.

Yours truly,



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