

June 9, 2025

Honourable Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario M7A 2J3

Dear Honourable Sir,

Re: Submission on Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025 and related Regulations

Thank you for the opportunity to provide comments on Bill 17 - *Protect Ontario by Building Faster and Smarter Act, 2025* and related Regulations. The Town of Niagara-on-the-Lake ("NOTL") appreciates the Province's commitment to strengthening Ontario's economy and addressing the housing crisis during these uncertain times.

The Town is aware that Bill 17 passed third reading on June 3, 2025, and received Royal Assent on June 5, 2025, prior to the closing of the commenting period. Town Council has directed that comments be submitted prior to the close of the commenting periods (June 11/26, 2025).

Bill 17 introduces various amendments to streamline municipal planning approval processes, thereby expediting the construction of more homes. The changes have impact to all stages of the development planning process – from what can be requested and submitted as part of a complete application to the timing and calculation of development charges and the implementation of construction standards. The Bill proposes amendments to the following Acts:

- City of Toronto Act, 2006
- Building Transit Faster Act, 2020
- Building Code Act, 1992
- Development Charges Act, 1997
- Transit-Oriented Communities Act, 2020
- Ministry of Infrastructure Act, 2011
- Metrolinx Act, 2006
- Planning Act, 1990

The comments provided below summarize input to NOTL Town Council on June 3, 2025.

SCHEDULE 1: BUILDING CODE ACT, 1992

The intent appears to establish consistency for building standards throughout the Province. While the Town does not currently have green building or other enhanced standards, we

believe they are an important tool for climate change adaptation and mitigation. A municipality should be able to continue to implement or create these standards to ensure that new development is climate ready and sustainable.

SCHEDULE 2: BUILDING TRANSIT FASTER ACT, 2020 and SCHEDULE 5: METROLINX ACT, 2006

The Schedule adds a definition of “provincial transit project” to the Building Transit Faster Act, 2020 and extends streamlining measures to all Metrolinx transit projects. This designation would support the implementation of all future expansions to Metrolinx’s rapid transit network of upgrades, including the GO network delivered by the Province.

The Town does not have identified GO Rail or Rapid Bus Transit Major Transit Station Area; however, the transit hub identified in Glendale could support transit operations within the municipality, the region, and beyond. The Town supports streamlining measures to deliver on transit projects sooner as it will support housing affordability, address traffic congestion, and support sustainability efforts.

SCHEDULE 4: DEVELOPMENT CHARGES ACT, 1997

Bill 17 proposes many changes to the *Development Charges Act, 1997* that are intended to simplify and standardize how and when the municipality may collect development charges (DC) and may reduce DCs in some cases to lower the cost of housing construction.

The changes that will have the most impact to the Town include how and when a municipality can collect development charges, exemptions to DCs, and proposes to permit the Minister to make regulations (not yet released) to limit eligible capital costs, eliminate public notice periods for reductions in Development Charges, deferring payment of DCs from building permit to occupancy, and how and when a municipality may spend or allocate DC reserves.

The changes through Bill 17, as well as the potential changes proposed through future regulation, will result in administrative and funding impacts to the Town. The changes to the timing of the DC collection and exemptions may increase the Town’s need for debt financing and/or impact the timing of capital projects for infrastructure. This may also shift this financial burden to the existing tax-payers to make up the difference.

The changes contemplated through future regulations may affect how growth-related infrastructure is funded and the extent to which growth pays for growth. When development charges cannot be used, there will be more pressure to use debt and/or increase property taxes. The Town will continue to monitor to understand the full implications of these changes; however, the Province may need to contemplate providing funding support to municipalities to ensure infrastructure and service levels can be maintained.

SCHEDULE 7: PLANNING ACT, 1990

The changes to the *Planning Act* build on previous legislative changes by further streamlining application processes and reducing obstacles to achieve approvals to accelerate housing and schools.

With regard to MZOs, the Town recognizes potential benefits to allowing for some flexibility in the MZO process provided there is transparency to the process which includes Town involvement. It is recommended that clarification be provided regarding which types of

conditions may be imposed, and additional clarity surrounding the process, consultation, and timeline to satisfy said conditions.

With regard to the changes contemplated for locating new schools, the Town recognizes the importance of appropriate school placement and ensuring efficient process that would facilitate the construction of new schools. It is important that public schools are planned in a way that promotes health and safety for those accessing the school, which includes access to adequate services and appropriate means of access to and from the site. Site design for new schools can be achieved through the site plan control process.

The Bill also proposes new subsections which would require Town Council to obtain the Minister's approval before making certain amendments to an Official Plan. The intent of this change appears to be to limit the ability to add additional study requirements within the Official Plan other than what is currently permitted. The Town is not supportive of this change as the local municipality should have the opportunity to ask for studies which support an application to ensure appropriate, safe, and compatible development.

ERO #025-0462: Complete Application Changes (Request for input on Complete Application and Certified Professionals Requirements)

The Province is proposing regulations under the *Planning Act* which would have the effect of prescribing a list of reports and studies that would be required as part of a complete application, in addition to specifically excluding specific studies from complete application requirements. The proposed regulation indicates that studies related to sun/shadow, wind, and lighting impacts, as well as urban design, would not be permitted to be required as part of a complete planning application. These studies are requested to demonstrate compatibility with the adjacent properties and surrounding area and assist Staff in evaluating development proposals.

Town Staff has always required that applicants address the Town's urban design policies through their application submissions, whether that be through a Planning Justification Report or a separate Urban Design Brief. Requesting these reports/studies does not lead to significant delays or complications in the planning application process. Given the degree of change that the Town is facing with proposals for infill and higher density, the submission of these types of studies is paramount to ensuring compatibility, desirable built form, accessibility, and a vibrant public and private realm. Further, the Town has been preparing standard Terms of Reference documents for Sun/Shadow Studies, Wind Studies and Urban Design Briefs, in an effort to better streamline the application submission process. Based on the proposed changes, it is unclear if the studies may be requested and submitted at a later date (after complete application submission) at the request of the Planner reviewing the file. This interpretation needs to be clarified.

The proposed regulations also request feedback on which professionals (e.g., professional engineers) should be included in the list of professionals whose reports/studies would be required to be accepted by a municipality as part of a complete application. The intent of this regulation is to require a municipality to accept a report, if stamped/signed by a professional.

The Town welcomes clarification on the professionals who may be qualified to prepare reports, to assist with greater consistency with other municipalities across the Province. However, clarity is needed if this proposed change means that there is no municipal review of

the report and it accepted as the final report, or if it means there is no ability to refuse a report thereby deeming an application incomplete. If the direction is to ensure professionals are submitting reports and the Town must accept the report for review, the Town already requests that reports/studies/plans be prepared by qualified professionals. As noted, process improvements to help to guide submission on studies and set expectations is already underway.

If the direction is to mandate acceptance without review, the Town has serious concerns. This lack of collaborative consultation could result in significant issues based on the potential lack of coordination, incomplete information, or lack of local knowledge from the professional. It is through the review process, and often resubmission(s), where issues can be identified, addressed, and resolved.

ERO #025-0463: As-of-right Variations from Setback Requirements

The regulation proposes that variations would be permitted “as-of-right” if a proposal is within 10% of setback requirements applicable to the lands. The intent of this regulation is to reduce the number of Minor Variance applications including the need for public hearing for these applications, which may assist in expediting construction.

The Town will be embarking on a comprehensive review and consolidation of the Zoning By-law immediately following the completion of the Official Plan conformity review. Staff believe having up-to-date, clear parameters for development will assist in addressing many requirements for minor variances; however, the minor variance process is needed to address zoning regulations that may need to be appropriately varied to support new/evolving development patterns.

Currently, from the date of submission, a decision on a Minor Variance application at the Town is made within 6 weeks (including the timeline to deem the application complete). Applications are processed efficiently, while providing the required public decision-making process under the *Planning Act*. This is not a significant delay.

The Town has concerns with the as-of-right variation approach. Should the regulations be adopted, a landowner would be entitled to vary every setback provision by 10% as-of-right, leading to buildings being located closer to the street and closer to neighbours. The zoning requirements currently in place may be ignored and this could have impact the streetscape character and potentially how a neighbourhood functions.

Further, there is a lack of clarity related to the proposed provision for setbacks in relation to the Greenbelt Plan. Changes to the *Planning Act* Schedule indicate that the provision for the as-of-right permissions does not apply to a building or structure located in the Greenbelt Area. Niagara-on-the-Lake is located within the Greenbelt Area. The urban areas in Niagara-on-the-Lake are considered Villages / Towns within in the Protected Countryside in the Greenbelt Plan. It should be clarified, based on the definition in the *Planning Act*, if these changes will apply in the Town of Niagara-on-the-Lake.

Concluding Remarks

The Province has made it clear, through various pieces of legislation, that they are looking to remove barriers to expedite new housing. However, it is the local municipalities that are tasked with reviewing development, as well as insuring infrastructure requirements, to

facilitate growth that is appropriate and compatible within the community's context.

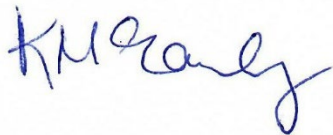
The Town has concerns with Bill 17 specifically as it relates to changes to the *Development Charges Act*, and the *Planning Act* and regulations. The Town recognizes the need to support the economy and address the housing shortage; however, local municipalities must have the ability to fund the infrastructure and the services required to deliver housing to support our current and future residents.

As referenced in this letter, the Province should reconsider some of the changes proposed, provide more clarity on intent of certain changes, and engage with local municipalities to better understand the barriers present to development. The Town respectfully requests that the Province consult further on the changes proposed to understand the implications at the local level.

Kind Regards,



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