



**Greater Ottawa Home Builders' Association**  
Association des constructeurs d'habitations d'Ottawa

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November 21, 2025

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

**Re: ERO 025-1101 Consultation on Enhanced Development Standards – Lot Level (outside of buildings)**

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as its submission to the government's request for feedback on *Consultation on Enhanced Development Standards – Lot Level (outside of buildings)* (ERO 025-1101).

GOHBA has been the proud voice for the Ottawa home building community since 1951. Our 440 members include builders, developers, professional renovators, trade contractors, suppliers and manufacturers serving the residential construction and professional renovation industry.

Our comments are complementary to and in concert with those of the Ontario Home Builders' Association as the provincial voice of the residential construction industry.

GOHBA strongly supports the government's efforts to ensure consistent application of the Ontario Building Code and to streamline, standardize, and prohibit the mandatory use of enhanced development standards that do not relate to maintaining health and safety.

**1. What is your interest in and/or experience with the implementation of enhanced development standards at the lot level (outside of buildings)?**

GOHBA represents home builders, planners, engineers and other professional service providers that have first-hand experience with Ottawa's High Performance Development Standard (HPDS).

In March 2022 the City of Ottawa adopted its HPDS, based on the Toronto Green Standard.

For over two years GOHBA members worked with City staff on the HPDS, both on the standards themselves and their implementation as part of the development application review process. Throughout the process our primary concern has been the impact of the HPDS on housing affordability and the inevitable delays in application processing timelines when we as a city are striving to build 15,000 new homes a year.

Although GOHBA was supportive of the aims of the Standard, we had (and continue to have) ongoing concerns related to affordability; achievability, energy efficiency requirements above code, and phasing.

There is a cost implication to each of the HPDS measures, and ultimately the bearer of these increased costs is the home buyer or renter.

While we appreciate that some (although definitely not all) of these measures have the potential to reduce operating costs, there is still the consideration of the impact on these measures on a home's sticker price.

In GOHBA's comments to ERO 019-8462, we urged the provincial government to force municipalities to work with the industry on high performance measures, through a housing affordability lens.

We also cautioned that municipalities would attempt to push some former site plan requirements into the building permit approval process. Amendments should make clear that municipalities do not have the authority to demand items beyond the Building Code.

The City of Ottawa asserts that its *"legislative authority for Ottawa's HPDS is under the Planning Act for approval of Site Plan Control and Plan of Subdivision applications. This is the same authority used in other jurisdictions including those used to enable the Toronto Green Standard."*<sup>1</sup>

GOHBA does not accept the City's assertion that Sections 41 and 51 of The Planning Act gives it the authority to require energy performance beyond the Ontario Building Code.

GOHBA had previously supplied the City of Ottawa with a legal analysis prepared for the Durham Region HBA for the same circumstances [extract]:

*"[Aird & Berlis LLP] are of the opinion that municipalities do not have the authority to impose on land developers/builders a construction standard for energy efficiency which exceeds the Building Code. The Building Code governs construction-related environmental sustainability measures, which means that such measures are beyond municipalities' regulatory authority. Furthermore, sections 41 and 51 of the Planning Act do not grant municipalities the authority to regulate energy efficiency construction as part of their site plan control or draft plan of subdivision processes. Similarly, municipalities do not have the authority to link occupancy permits to energy efficient construction other than to note same be Code compliant."*

If the City was confident in its legal status to impose certain HPDS measures, we question why the City requested that the Government of Ontario amend energy requirements in the Ontario

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<sup>1</sup> Report To Council - High Performance Development Standard  
[https://drive.google.com/file/d/1ytcUKJ6e0OcpIYYyiYn\\_i4jPUTQhg01w/view?usp=drive\\_link](https://drive.google.com/file/d/1ytcUKJ6e0OcpIYYyiYn_i4jPUTQhg01w/view?usp=drive_link)

Building Code and/or give municipalities the authority to implement measures for increased resiliency and net zero emissions.

The Building Code is already set to have net zero for residential buildings by 2030. It is also critical to respect the Code development process, which provides for peer-review and a rigorous analysis of cost-benefit and impact of proposed changes on the house-as-a-system model.

**2. In your experience, are enhanced development standards applied consistently across municipalities?**

There are known enhanced development standards ("green standards") in Toronto, Halton Hills, East Gwillimbury, Whitby, Durham, Mississauga/Vaughan/Brampton/Richmond Hill, Kingston and Ottawa.

According to the City, Ottawa's HPDS has "targeted alignment" with the Toronto Green Standard, but as far as GOHBA knows none of the above enhanced development standards are replicated or applied consistently across any of the above jurisdictions.

What may be more revealing is that the requirements in Ottawa's HPDS are not even implemented consistently across application types:

- For Site Plan, building energy modelling was originally request at the application stage. When this was demonstrated by GOHBA to be unfeasible, staff moved it to a condition of Site Plan Approval.
- For Subdivisions, a Community Energy Plan is still requested at the initial application submission stage.

Ottawa's full HPDS is embedded in the list of technical studies under its Development Application Study Policy by-law, although it is also before the Minister as part of OPA #47 to bring the list of studies under Section 11.8 of Ottawa's Official Plan.

Prescribe Application Requirements in Regulation

The Minister currently has the authority to prescribe application requirements with respect to Site Plan.

Prescribing applicable high performance development standards by regulation would reduce any subjectivity in each municipality.

Proposed new wording, either:

*Section 70.1 – prescribe the criteria that shall apply to determine the feasibility of the application of high performance development standards for a site;*

or

*s.70.3 – prescribing the standards and requirements, what may be included or constitutes applicable high performance development standards.*

GOHBA urges the government to also grant the Minister authority to prescribe application requirements with respect to subdivision agreements.

**3. What types of standards, should municipalities be allowed to apply outside of buildings and how do these requirements maintain the health and safety of the site if at all?**

Given the wide range of items that can be included in an enhanced development standard, GOHBA strongly urges the Minister to provide: 1) an inclusive list of what standards are allowed, and 2) the metrics for each identified standard.

In regards to 1) *an inclusive list of what standards are allowed*, many of the items in Ottawa's HPDS, as an example, that would speak to health and safety already fall more properly under the *Occupiers' Liability Act* or Municipal Property Standards By-laws:

**Table 2 HPDS Metrics Planning Application Type Summary**

Category	Metric	Site Plan		Plan of Subdivision	
		Tier 1	Tier 2	Tier 1	Tier 2
Energy	Building Energy Efficiency <sup>1</sup>	X	X		
	Community Energy Plan (CEP)			X	X
	Operational Energy		X		X <sup>2</sup>
	Renewable Energy		X		X <sup>2</sup>
	District Energy		X		
	Embodied Carbon		X		X <sup>2</sup>
Health	Accessibility	X			
	Fresh Air Intake Locations	X			
	Health Supportive Amenities		X		
Ecology	Tree Planting	X		X	
	Plant Species	X		X	
	Exterior Lighting	X	X		
Resiliency	Sustainable Roofing	X			
	Cool Landscaping	X			
	Operable Windows		X		
	Interior Room Temperature Design Maximum		X		
	Resiliency Plan		X		X <sup>2</sup>
	Extreme Wind and Snow Loading				X
	Refuge Area		X		
Waste	Common Area Waste	X	X		
	In Unit Waste Sorting		X		X
	Construction Waste Management Plan		X		X
Mobility	Parking		X		
	Micro Mobility		X		
	EV Parking	X	X		X <sup>2</sup>
	Bike Access and Storage	X	X		
	Enhanced Bike Facilities		X		
	Transit Access		X		
	Enhanced Transit Facilities		X		

<sup>1</sup> Energy Modeling required for buildings over 2,000m<sup>2</sup> gross floor area.

<sup>2</sup> These items are encouraged in the CEP they are not stand alone metrics

In fact, it has been a common issue in Ottawa to burden new and re-development projects with requirements so that the City does not have to go to the effort of properly enforcing its own Municipal Property Standards and other bylaws.

In regards to 2) the metrics for each identified standard, there are always questions about the achievability of some of the metrics proposed and the cost impact on development projects.

For example, Ottawa has a 30m<sup>3</sup> requirement of soil for street trees that is not realistic, and poses particular difficulties in subdivisions. There are significant constraints with utility trenches, utility infrastructure, street lights, hydrants, driveways and sidewalks.

Current soil volume requirements would mean replacing 30m<sup>3</sup> of material at a site with topsoil, multiplied by the number trees of required.

There are major impediments to this work, including cost, time, limited supply of contractors and doing the work while homeowners are in their homes, and believe that the portion of the right-of-way is their property.

And there is the consideration of new excess soils regulations - the material pulled out of the trench may end up at the dump because there will be nowhere else it can be moved legally.

If the government is going to provide a list of standards that can be included in an enhanced development standard, it needs to be definitive and include prescribed performance / fulfilment metrics.

**4. Do you / your organization have information about the short- and long-term costs of enhanced development standards at the lot level?**

The City of Ottawa's estimates from 2022 are that its own HPDS would mean a 1-10% increase in construction costs, including \$11,000 per unit for multi-unit residential.

However, this does not necessarily capture all of the additional costs that would be incurred.

For Site Plan, building energy modelling requested at the application stage would have required the completion of an energy model at a very early stage of the project, based on numerous assumptions. The energy model would then need to be redone at the time of the building permit submission to accurately reflect the detailed design of the project. This would add about 75% to the cost of energy modelling with no added value to the design of the project.

In its comments to ERO 019-6172, GOHBA recommended that the province institute a reduction to development charges when green buildings and/or infrastructure is provided in order to offset costs and encourage housing affordability. We reiterate that recommendation now.

**5. Do you have any additional comments or suggestions relating to site plan control or other related subjects?**

Third Party Reviews

One of the larger outstanding issues for Ottawa's HPDS – and one that is indicative of the capacity issue at large across municipalities – is the city's reliance on third parties to review energy modelling reports.

Moreover, it is not clear why the City is insistent on engaging a third-party energy modeler to review another independent Professional energy modeler's work that has been certified to meet the targets established in the HPDS, other than their own lack of knowledge and capacity to affirm fulfillment of their own requirements.

If a home builder has to engage a professional energy modeler to design and verify that a home will meet the performance standards of the HPDS, why does the City want to add time and cost to the application process by having a separate energy modeler review a colleague's work? This is not a requirement currently when an energy model provided as part of a building permit application residential tower.

The Ottawa area barely has enough energy evaluators to be able to keep up with the demand now – demand that the city is doubling needlessly.

GOHBA is also concerned about the potential for third party reviewers to be hesitant to double check another professional's work. Based on experience with other consultants, there's a chance the City will not be able to engage a third party review without the City putting a firm from outside of Ottawa on a contract.

This unnecessary extra review will be a waste of resources and time, and runs contrary to our needs (and provincial objectives) to process development applications quicker. An energy plan, certified by an independent, professional energy modeler should be sufficient for the City's needs.

GOHBA strongly recommend that the province force municipalities to approve applicant / third-party reviews on energy modelling reports.

#### Timing of Energy Modelling Requirements

As referenced above, the City of Ottawa has struggled with the required timing of building energy modelling reports for site plan and Community Energy Plans for subdivisions. In both cases, the requirement for modelling was too early in the process.

Beyond the practical limits of modelling at too early of a stage, utility agencies have also not shown a willingness to engage too early in a development when there is no certainty of when it will be constructed. It will also be too early for builders to engage in structural, mechanical, and electrical engineers.

As a further example from Ottawa's HPDS, building components do not fall under the Planning Act, and do not belong in a subdivision agreement. A Plan of Subdivision is establishing new property lines, location of parks, schools and public roads and the facilities within the public elements.

This further reinforces the need for the Minister to not only provide an inclusive list of what standards are allowed, but also prescribe the metrics for each identified standard.

## Official Plans and the PPS

Finally, the province needs to revise the Provincial Planning Statement to explicitly prohibit, and/or revise municipal official plans to remove reference to, enhanced development standards that do not relate to maintaining health and safety.

Municipalities interpret Ministerial approval of an Official Plan that includes this language as implicit endorsement of the pursuit of enhanced development standards.

Ottawa's Official Plan outlines this intention in great detail:

### **Section 11. Implementation**

This Official Plan provides a general guide to Ottawa's growth and development. However, the implementation of the policies set out in this Official Plan often relies on more specific and detailed implementation tools. These include:

...

- Standards (e.g., High-performance Development Standard, Accessibility Design Standards)

#### 11.1 Set the stage for Site Plan Control requirements and provisions

3) To achieve environmentally sustainable development, the City may adopt a High-Performance Development Standard. Once adopted, the City may use Subsection 41(4)(2)(d) and (e) and Subsection 41(7)(a)(7) of the Planning Act, including residential buildings containing fewer than 25 dwelling units, to secure the following sustainable and resilient design features in development that address exterior building and site matters as may be set out in such Standard, as part of developments which meet thresholds of Policy 2 a), b) and c) above:

- a) Weather-protected on-site bicycle areas and pedestrian-friendly infrastructure to encourage cycling and walking and to reduce emissions from transportation;
- b) High reflective materials, shade trees, and green and cool roofs to reduce ambient surface temperature to minimize the urban heat island effect;
- c) Active and passive design measures to improve energy efficiency and reduce peak demand such as building orientation to take advantage of passive solar heating, shading for cooling and natural light and energy efficient exterior cladding and window treatments;
- d) Renewable energy production and supply to provide clean, local energy reducing greenhouse gas emissions and improving resiliency to power outages
- e) Low Impact Development and other nature-based approaches to manage stormwater and mitigate flood risks where feasible, and reduce demand for potable water;
- f) Trees to enhance the urban forest and use of native species to protect, restore and enhance the natural heritage system;
- g) Bird-safe glass treatment to minimize the risk for bird collisions and energy efficient, shielded exterior lighting to reduce nighttime glare and light trespass;
- h) Dedicated areas for collection and storage of recycling and organic waste to increase waste diversion; and
- i) Enhanced human health by increasing opportunities for physical activity, mitigating impacts of air pollution, requiring passive cooling strategies such as operable windows and shade to mitigate against extreme heat and promoting access to food.

#### 12.2 Establish direction for the creation of secondary plans in Future Neighbourhoods

1) The creation of a new secondary plan or revision to an existing secondary plan, undertaken by the City in accordance with Subsection 12.1, Policy 2), is required prior to development of any lands with a Future Neighbourhood Overlay and all of the following are required in advance of the City initiating said secondary plan:

...

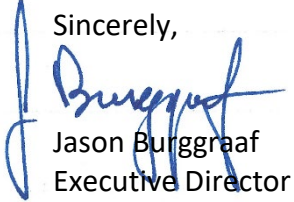
g) A community energy plan, unless it can be demonstrated that the design of the proposed development complies or is consistent with the High-performance Development Standard;

## **Conclusion**

We thank the Ministry for the opportunity to comment.

We are pleased to answer questions or provide further information as requested.

Sincerely,

A handwritten signature in blue ink, appearing to read "Burggraaf", is written over a light blue horizontal line. The signature is stylized and cursive.

Jason Burggraaf  
Executive Director