



Office of the Mayor

WAYNE H. REDEKOP

April 28, 2026

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

The Honourable Rob Flack
Minister of Municipal Affairs and Housing
777 Bay Street, 14th Floor
Toronto, ON M7A 2J3
minister.mah@ontario.ca

Subject: Town of Fort Erie Comments on Bill 98 – Building Homes and Improving Transportation Infrastructure Act, 2026

Honourable and Dear Sir:

On behalf of the Town Council for the Corporation of the Town of Fort Erie, I am writing to provide formal comments on Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026*, and the associated Environmental Registry of Ontario (ERO) postings currently under consultation.

Council received Report **PBBS-20-2026** at our meeting of April 27, 2026, which outlines the Town's review of the proposed legislative, regulatory, and policy changes advanced through ERO Postings **026-0300, 026-0310, 026-0313, 026-0314, 026-0311, 026-0312, 026-0304, and 026-0315**. The Town supports the province's objective of increasing housing supply and improving approval efficiency. However, the cumulative impacts of the proposed reforms have the potential to change the character of residential neighbourhoods in all small and rural communities in Ontario.

As you are aware, the nine municipalities in Niagara that do not have assigned housing targets have exceeded the provincial average for housing starts over the past several years for a variety of reasons. I believe that you are also aware that population projections for Niagara and Fort Erie have exceeded expectations and are currently at or beyond anticipated 2031 levels. Fort Erie has been growing at the rate of 3% per year for the past 4 years, placing pressures on our infrastructure, school capacity and hospital services. This type of growth can be sustained if those pressures are addressed, but only if they are addressed.

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The changes to planning processes over the past several years have achieved the objective of creating more housing but not necessarily housing that many people can afford. The housing mix has skewed heavily toward townhouses, including back-to-back townhouses. In a community of 37,000 residents, the question that Town Council is beginning to hear is: "Why can't you say no?"

Managed growth is a pillar of the current Council's Strategic Plan. Important objectives include protecting existing neighbourhoods and preserving our natural heritage. For two and half decades, Fort Erie has taken the approach that growth and development can be accommodated while continuing to protect our existing neighbourhoods and preserving and enhancing our natural heritage. Fort Erie's new Official Plan, which was submitted some months ago Provincial approval, designates specific areas of the Town for intensified development, encourages moderate changes in some existing neighbourhoods and strives to maintain the character of a municipality with five distinctive urban areas across a land mass of 168 square kilometres. Many of the proposed planning changes put this dynamic at risk and provide a platform for Fort Erie, and virtually all smaller and rural communities, to be turned into a version of the GTA. Our residents do not support that. Town Council is confident that it can continue to meet and exceed housing targets, pursue our vision for growth and maintain our alignment with the goals and objectives of provincial housing policies without the additional intrusive measures being proposed.

The Town is particularly concerned with proposals that would standardize Official Plan structure, land use designations, and implementation tools. Fort Erie's Official Plan was recently adopted following extensive public consultation and significant investment of municipal financial and staff resources and was prepared in accordance with current provincial policy and legislative requirements. As such, the Town respectfully requests clarity regarding transition provisions, conformity expectations, and implementation timelines, including whether recently approved Official Plans would be required to be amended within a prescribed timeframe, such as by 2029.

Council also has concerns regarding proposed limitations on municipal authority related to site plan control, complete application requirements, and enhanced development standards at the lot level. These planning tools are essential for implementing locally adopted policies related to infrastructure coordination, servicing capacity, climate resilience, active transportation, and neighbourhood compatibility. Reducing municipal discretion in these areas has the potential to shift long-term infrastructure and adaptation costs to municipalities and limit the ability to respond to unique local conditions.


With respect to the proposed minimum residential lot size regulation, while Council supports increasing housing supply, the removal of municipal zoning discretion may have

unintended consequences for established neighbourhoods with varied lot fabric and servicing constraints. The Town emphasizes the importance of retaining municipal flexibility to manage context-sensitive intensification while maintaining neighbourhood stability, livability and character.

Finally, Council requests that the province commit to ensuring municipalities are made financially whole as part of Bill 98. The implementation of new planning frameworks reduced municipal authority, and accelerated development expectations will require corresponding resources to support growth, infrastructure delivery, and service provision at the local level.

The Town of Fort Erie appreciates the opportunity to provide these comments and looks forward to continued collaboration with the province to advance shared housing and infrastructure objectives in a manner that recognizes local context, recent municipal planning efforts, and the critical role municipalities play in the implementation of provincial policies.

Yours very truly,



Wayne H. Redekop
Mayor

WHR

cc: Town of Fort Erie Council
Chris McQueen, Chief Administrative Officer
Anna Henriques, Ministry of Municipal Affairs and Housing

Attached – Fort Erie Report PBBS-20-2026



Planning, Building and By-law Services

Prepared for: Regular Council

Report: PBBS-20-2026

Meeting Date: April 27, 2026

1. Title

PBBS-20-2026 Bill 98, Building Homes and Improving Transportation Infrastructure Act, 2026

2. Recommendations

That: Council receives Report PBBS-20-2026, titled Bill 98, Building Homes and Improving Transportation Infrastructure Act, 2026, for information, and further

That: Council directs Staff to forward Report PBBS-20-2026 and formal comments to the Province through the Environmental Registry of Ontario (ERO) prior to the conclusion of the public consultation period.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

Initiative: Continue to implement policies that will enhance and protect the Town's built heritage.

4. List of Stakeholders

- The Town of Fort Erie
- Developers
- Residents and Property Owners of Fort Erie

5. Purpose of Report

This report is prepared to provide Council with an overview of recent postings on the Environmental Registry of Ontario (ERO) that propose significant changes to Ontario's planning framework affecting municipal land use planning, development approvals, and parkland dedication. The Province of Ontario has released multiple ERO notices proposing legislative, regulatory, and policy reforms under the proposed *Bill 98 Building Homes and Improving Transportation Infrastructure Act, 2026* and related initiatives. Collectively, these proposals are intended to accelerate housing delivery, standardize planning instruments across municipalities, and reduce perceived regulatory and procedural barriers. This report identifies the potential implications of these proposals for the Town of Fort Erie and its ability to implement locally adopted planning, growth management, climate, and community-building policies.

Proposed Amendments currently under review

ERO 026-0300 – Proposed Legislative Amendments to Planning and Municipal Acts

This posting proposes broad amendments to the *Planning Act*, *City of Toronto Act*, *Building Code Act*, and *Municipal Act* to standardize municipal Official Plan structure, land use designations, and implementation tools across Ontario. The intent is to create greater consistency, reduce complexity, and shorten approval timelines by prescribing how official plans are organized and how policies are expressed. If implemented, municipalities may have reduced flexibility to reflect unique local conditions within Official Plans.

In addition, the proposed standardization of Official Plan structure and content may have implications for the Town's recently adopted Official Plan, which was prepared and approved in accordance with current Provincial policy and legislative requirements. Should new standardized requirements be introduced, clarification would be required regarding transition timing, conformity expectations, and whether municipalities would be required to amend recently approved Official Plans within a prescribed timeframe (e.g., by 2029). Given the significant time, financial resources, and staff capacity invested in completing the Council-adopted Official Plan, the Town intends to seek clarity from the Province on implementation timelines, transition provisions, and expectations for conformity to ensure that recent municipal planning efforts are recognized and appropriately accommodated.

ERO 026-0310 – Reforming Site Plan Control

This proposal seeks to significantly reform site plan control by narrowing its scope and reinforcing statutory timelines. The Province has identified site plan approval as a key source of delay in housing delivery and proposes limiting the matters that municipalities may regulate, as well as standardizing processes. These changes could reduce municipal ability to secure site-specific design, servicing, landscaping, and active transportation features through development approvals.

ERO 026-0313 – Standardizing Complete Application Requirements

This posting proposes regulations that would prescribe a standardized list of information and studies that planning authorities may require to deem an application "complete." The objective is to improve certainty for applicants and reduce the number and scope of studies requested by municipalities. The proposal may limit the Town's ability to request locally specific analyses that respond to environmental, infrastructure, or community context considerations.

Core studies refer to technical studies that may be required for most planning application types, including Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision or Condominium, Site Plan Control applications, and Consents. These studies typically address foundational planning and engineering considerations necessary to evaluate development proposals, such as environmental impacts, servicing capacity, transportation and traffic implications, and matters related to public health and safety.

Contingent studies refer to technical studies that may only be required where site-specific or surrounding conditions warrant additional analysis. The need for such studies arises when particular characteristics of a property or its context are present, such as proximity to rail corridors, airports, major infrastructure, or hazardous lands, or where environmental, cultural

heritage, or resource-related features exist on or adjacent to the site. These studies assist in ensuring that development proposals appropriately address localized conditions and potential impacts.

Core Studies:	Contingent Studies:
Environmental Impact Statement	Aeronautical Report
Environmental Site Assessment	Aggregate/Minerals/Petroleum Resource Impact Assessment
Functional Servicing Report	Agricultural Impact Assessment
Geotechnical Report	Air Quality/Odour Study
Hydrogeological Report	Arborist Report
Planning Justification Report	Archaeological Assessment
Transportation Impact Study	Contaminant Management Plan
	Cultural Heritage Impact Assessment
	Economic Viability Assessment
	Electromagnetic Field Management Plan
	Financial Impact Analysis
	Human-made Hazard Impact Study/ Assessment
	Impact Assessment for Waste Disposal Sites / Former Landfill Sites
	Lakeshore Capacity Assessment / Water Quality Impact Assessment
	Land Use Compatibility Study
	Minimum Distance Separation Formulae Assessment
	Natural Hazard Impact Study / Assessment
	Noise/Vibration Study
	Rail Safety and Risk Mitigation Report
	Servicing Options Report
	Wildland Fire Assessment
	Wind Study

ERO 026-0314 – Prescribed Professionals for Complete Applications

This proposal would require municipalities to accept studies and reports prepared by additional provincially prescribed professionals such as Registered Landscape Architects (beyond currently specified professions i.e. Professional Engineers) as fulfilling complete application requirements. While municipalities would retain the ability to review materials, they would be required to accept these submissions as initially complete, potentially limiting early-stage technical scrutiny and shifting review efforts later in the process.

ERO 026-0311 – Minimum Residential Lot Size Regulation

This consultation proposes a regulation establishing a minimum residential lot size of 175 square metres (1,883 square feet) for urban lands outside the Greenbelt. The intent is to support housing supply and affordability by preventing zoning standards that require larger lots. This proposal would constrain municipal zoning authority and could affect neighbourhood character, servicing capacity, and context-sensitive intensification in communities such as Fort Erie.

With respect to zoning standards, the proposed minimum residential lot size would not, on its own, alter side yard setback requirements contained in the Zoning By-law. Existing side yard

standards would continue to apply, subject to the as-of-right variance authorities introduced through Bill 17, which permit up to a 10 per cent reduction in certain zoning performance standards. However, reduced lot frontages made possible through smaller lot sizes may create circumstances where individual property owners seek additional zoning relief through the Minor Variance process to accommodate building width, including reduced side yard setbacks. As such, while side yard setbacks are not directly affected by the proposed regulation, indirect pressures for additional zoning relief may arise on a site-specific basis.

For context, the average lot depth in the Crescent Park neighbourhood is approximately 35 metres. If a minimum residential lot size of 175 square metres were permitted, this could enable the creation of lots with frontages as narrow as approximately 5 metres. Over time, such lot configurations could result in incremental changes to the established lot fabric and built form, with potential implications for neighbourhood character.

ERO 026-0312 – Standardizing Parkland Dedication Requirements

This proposal would implement provisions of Bill 23 by standardizing criteria for parkland conveyed through development, including developer-identified lands, encumbered lands, and privately owned publicly accessible spaces (POPS). It would also introduce appeal rights where municipalities refuse developer-identified parkland. These changes may affect the quality, location, and long-term functionality of parkland acquired through development.

ERO 026-0304 – Draft Population and Employment Projection Methodology Guideline

This posting introduces a further revised draft Projection Methodology Guideline to support population and employment forecasting and land needs assessments under the Provincial Planning Statement, 2024. The guideline would inform how municipalities plan for growth horizons and infrastructure needs. While providing consistency, it may reduce flexibility in applying alternative growth assumptions or locally calibrated methodologies.

ERO 026-0315 – Upper-Tier Official Plans, Secondary Plans, and SASPs

This consultation seeks feedback on standardizing the format and use of upper-tier official plans, secondary plans, and site- and area-specific policies (SASPs). The proposal raises questions about the future role of secondary plans and more detailed planning tools, which municipalities often use to manage complex areas, phased development, or neighbourhood-specific objectives.

Amendments with a Final Decision

ERO 025-1099 – Simplifying and Standardizing Official Plans

This earlier consultation explored opportunities to simplify and standardize municipal Official Plans, including limits on length, structure, and policy content. Although the consultation is closed, it provides important policy context for the current suite of proposals that continue to advance standardization objectives.

ERO 025-1101 – Enhanced Development Standards at the Lot Level

This consultation examined the use of enhanced development standards outside the building envelope, such as green infrastructure, landscaping, and active transportation features. While

closed, the issues raised are directly related to current proposals affecting site plan control, environmental standards, and municipal authority over development design.

6. Analysis

The package of provincial planning proposals under the referenced ERO postings represents a comprehensive shift toward increased provincial standardization and a reduced scope of municipal discretion in land use planning and development approvals. While several proposals aim to increase certainty, efficiency, and housing supply, their combined effect has implications for the Town of Fort Erie's policy framework and ability to implement locally adopted strategies.

Official Plan and Growth Management

Several postings (ERO 026-0300, 025-1099, and 026-0315) propose to prescribe standardized Official Plan structures, land use designations, and policies at both lower- and upper-tier levels. Collectively, these changes will constrain the Town's ability to reflect local context within its Official Plan, including waterfront conditions along Lake Erie, legacy settlement patterns, neighbourhood-scale character, and the Town's role as a binational gateway community.

From a municipal perspective, a standardization approach focused on improving outcomes should prioritize elevating proven best practices across the province and across housing forms, rather than limiting municipal authority in a way that risks reducing development standards to a lowest common denominator.

Further, proposals to simplify or limit the use of secondary plans and site- or area-specific policies could reduce the Town's ability to manage growth in sensitive or strategic areas such as Special Economic Area designation that is applied to the Race Track area of the Town, including older neighbourhoods undergoing reinvestment, areas near the waterfront, and locations where infrastructure capacity or hazard constraints require tailored planning direction. While efficiency and consistency are important objectives, Fort Erie's Official Plan is a key tool for translating provincial policy into locally appropriate outcomes.

Climate Change Action Plan and Environmental Resilience

The Town's Climate Change Action Plan relies on land use planning tools such as site plan control, enhanced development standards, and Official Plan policies to implement measures related to climate adaptation and mitigation. These include stormwater management best practices, urban tree canopy expansion, climate-resilient landscaping, and active transportation-supportive site design.

Proposals that limit or prohibit enhanced development standards at the lot level (ERO 025-1101), restrict the scope of site plan control (ERO 026-0310), or standardize parkland dedication criteria (ERO 026-0312) may reduce the Town's ability to require low-impact development features and green infrastructure as part of new development. Over time, this could shift

responsibility and cost for climate adaptation measures from private development to the municipality, potentially undermining progress toward adopted climate objectives.

Community Benefit Charges (CBC) Strategy

Fort Erie's Community Benefit Charges Strategy identifies growth-related capital needs such as parks improvements, public realm enhancements, and active transportation infrastructure that are often secured or implemented through the development approvals process. Several ERO postings particularly those related to site plan reform, parkland standardization, and limits on municipal conditions could affect the Town's ability to coordinate private development with the delivery of CBC-supported infrastructure.

If municipalities are required to accept developer-identified parkland or are limited in negotiating site-specific improvements, there may be reduced alignment between growth-related development and community benefit priorities identified in the CBC Strategy. Ensuring that CBCs remain an effective and predictable tool will be important as these provincial initiatives advance.

Active Transportation and Mobility Objectives

The Town's Active Transportation initiatives depend on integrated land use and transportation planning, including the ability to require cycling facilities, pedestrian connections, and Complete Streets elements through site plan control and development approvals. Further, a robust active transportation network aims to reduce the demand on vehicular infrastructure, promote public transit and offer healthier transportation options. Proposals that narrow the scope of site plan conditions or standardize development requirements on a province-wide basis may limit the Town's ability to implement active transportation infrastructure incrementally through development.

In communities such as Fort Erie where active transportation plays a key role in tourism, waterfront access, and local mobility maintaining flexibility to respond to local street networks and destination patterns is critical.

Housing Supply and Lot Fabric

ERO 026-0311 proposes a minimum residential lot size standard intended to facilitate smaller lots in urban areas. While this may support housing supply objectives, it represents a shift of zoning authority away from municipalities. In Fort Erie, where neighbourhoods vary significantly in lot size, servicing constraints, and character, care will be needed to ensure that infill intensification integrates appropriately with existing contexts and infrastructure capacity.

Cumulative Municipal Impact

Individually, each proposal focuses on a discrete element of the planning system; however, collectively, they represent a structural rebalancing of planning authority between the Province

and municipalities. For Fort Erie, this raises concerns regarding long-term fiscal exposure, reduced policy flexibility, and the potential erosion of locally adopted strategies related to climate resilience, community building, and sustainable growth.

7. Financial, Staffing and Accessibility (AODA) Implications

No immediate financial implications are anticipated. However, reduced municipal authority may shift infrastructure costs to the municipality over time. Staffing impacts may include procedural changes to planning review processes. No direct AODA implications have been identified.

8. Policies Affecting Proposal

Town of Fort Erie Official Plan – The Official Plan provides local land use policy direction and implements provincial policy within the Town’s planning context. Proposals related to Official Plan standardization, land use designations, secondary plans, and site-specific policies may affect the Town’s ability to reflect local conditions and strategic priorities.

Climate Change Action Plan – The Town’s Climate Change Action Plan relies on land use planning tools, site plan control, and development standards to advance climate adaptation and mitigation objectives. Proposed limitations on enhanced development standards and site plan authority may affect implementation of this Plan.

Community Benefit Charges (CBC) Strategy – The CBC Strategy identifies growth-related capital needs for community services and infrastructure. Changes to development approval processes, parkland dedication rules, and site plan control may influence the effectiveness of CBCs as a tool to support growth.

Active Transportation and Mobility Initiatives – Town policies and plans supporting walking, cycling, and complete streets rely on coordinated land use planning and development design. Proposed changes affecting site plan control and development standards may impact the delivery of active transportation infrastructure through private development.

Parks, and Open Space Plan & Policies – Parkland dedication standards and park acquisition practices established through municipal policy may be affected by proposed provincial standardization and appeal rights related to developer-identified parkland.

9. Comments from Departments, Community and Corporate Partners

Due to the timing of the ERO postings and the need to prepare this report for Council consideration within the applicable agenda timelines, comments from other Town departments, community stakeholders, and corporate partners were not solicited as part of this report.

10. Alternatives

At this time, no alternative options or policy approaches are being proposed within the scope of this report. The focus remains on analyzing and responding to the legislative changes introduced through Bill 98, as outlined in the Environmental Registry of Ontario (ERO) postings.

11. Communicating Results

The Town intends to submit formal comments to the Province in response to the proposed legislative, regulatory, and policy changes outlined in the referenced Environmental Registry of Ontario (ERO) postings. These comments will be submitted through the Environmental Registry of Ontario in relation to ERO Postings 026-0300, 026-0310, 026-0313, 026-0314, 026-0311, 026-0312, 026-0304, and 026-0315, prior to the conclusion of the applicable public consultation periods. The Town's submission will outline municipal considerations related to land use planning authority, development approvals, parkland dedication, climate resilience, and infrastructure planning, with the objective of ensuring that local context and Council-approved policies are appropriately reflected in provincial decision-making.

12. Conclusion

It is recommended that Council receive this report for information purposes and acknowledge its contents as part of the ongoing review and response to the proposed legislative changes under Bill 98. It further recommends direction to staff to submit the accompanying comments prior to the submission deadline.

The Town also requests that the Province commit to making municipalities financially whole as part of the proposed Bill 98, ensuring that local governments have the necessary resources to support growth and deliver essential infrastructure and services.

13. Report Approval

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Director, Planning, Building and By-law Services

Approved by:
Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

Appendix 1 - Osler's LLP Planning Act Blacklined
Appendix 2 - Draft Letter to Province