

Town of Whitby staff are pleased to provide the following comments in response to ERO Posting # 026-0300 – Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1,2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2006). Town staff thank the Province for the opportunity to provide feedback on the proposed changes and look forward to further engagement opportunities on these topics.

Topic	Comments
<p>General</p>	<p>If passed, Bill 98 would result in significant reforms to land use planning and related building and development processes. The proposed changes would constrain the Town’s ability to manage development in a coordinated, context-sensitive, sustainable and infrastructure-aligned manner. Overall, it would create challenges for the Town to manage the impacts of projected population growth over the long term.</p> <p>There is also no evidence that these measures, including past changes, accelerate the provision of housing, and instead can cause uncertainty and further administrative burdens that result in unnecessary delays.</p>
<p>Building Transit Infrastructure</p>	<p>Staff are generally supportive of a number of these proposals as they strive to increase consistency across jurisdictions and simplify existing processes and standards.</p> <p>Station Design Proposed GO station design enhancements should consider improvements to pedestrian and cycling infrastructure (e.g. multi-use paths, staircase ramps, secure bicycle parking, etc.).</p> <p>It is unclear what is being proposed to make it “easier to obtain technical and engineering reviews from municipalities for provincial transit projects”. The ability to review and respond is influenced by staff capacities, other ongoing development applications, and prescribed timelines.</p> <p>Fare Evasion The proposed fare evasion penalties are significant and results in disproportional penalties for other infractions such as speeding, parking, etc.</p> <p>Metrolinx Act CBOs may be asked to provide opinions related to occupancy if notified, which raises accountability concerns, as they may be assessing compliance without enforcement authority.</p>

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	<p>Questions remain regarding cost recovery for reviews and inspections as the process would fall outside of the traditional building permit application process, and municipal resources must be adequately supported to meet any prescribed timelines.</p> <p>Metrolinx is not subject to the BCA, and municipal involvement is conditional. The 'optional' nature of the process raises questions about consistency and effectiveness. It could also create uncertainty about the municipality's role and responsibilities.</p> <p>The inclusion of immunity provisions, including for CBOs and inspectors, is supported</p> <p>Municipal Act: The Province is requested to provide further detail as to if/ how this framework was intended to work with ALTO. Is it intended to support expropriations and demolitions related to the rail right of way, specifically as it relates to building demolitions etc. If ALTO is considered a utility, Schedule 6 of the Bill will have widespread implications on the Town's ability to influence the development of the rail line through town. Specifically, as it relates to demolitions, operations, etc. Paragraph 93 specifically relates to water and wastewater, however the rest of the section refers to "a utility."</p> <p>The Province should be advised that the Town of Whitby has asked to be part of the planning process for Alto, the proposed high-speed rail network.</p>
<p>Transportation and Roads</p>	<p>The analysis to support the use of single drivers in HOV lanes during non-peak hours to reduce gridlock should be provided. Similar to other designated lanes, the desired outcome is to change driver behaviour and encourage more carpooling and less single-driver trips, even during off-peak periods. Signage and enforcement may also be onerous, particularly if there is a difference between new HOV lanes and existing HOV lanes.</p> <p>The proposed Roads Standards Harmonization may affect/ delay development applications for projects located on roads undergoing design / construction e.g. road widening, road expansion, road creation etc. due to changes with road standards midway through a project.</p> <p>Additionally, the previous Roads Standards Harmonization consultation on the Ontario Regulatory Registry appears to be complete. The posting is unclear about the potential</p>

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	<p>impacts to the Town of Whitby. Town staff request further consultation with municipalities prior to finalization of any implementing regulations and/or transition provisions.</p>
<p>Official Plan Reform</p>	<p>Staff generally support a more standardized format that would make OPs easier to navigate. However, OPs are tailored to local conditions and addressing the specific growth, land use and development needs of the Town.</p> <p>The new framework would create challenges for addressing the local context unique to Whitby.</p> <p>The proposed land use designations are vague and would permit uses (e.g. industrial, manufacturing and small-scale warehousing) adjacent to sensitive land uses, which would introduce land use conflicts.</p> <p>The designations do not distinguish between low, medium and high densities. It is unclear if the Town would be able to determine a variation in heights and densities. Similarly, it is unclear if the Town can include variations in Commercial and Mixed-Use development areas that it does now.</p> <p>The designations also create confusion with uses typically permitted only in Employment Area lands.</p> <p>The Province could consider requiring a standardized table of contents / Schedules without introducing specific land use designations.</p> <p>These changes would also likely introduce the need to revise zoning by-laws, which will require additional municipal resources and has the potential to extend timelines.</p> <p>Town staff request further consultation with municipalities prior to finalization of any implementing regulations and/or transition provisions.</p>
<p>Secondary Plans</p>	<p>Staff generally support that more standardized guidance may have benefits.</p> <p>However, together with the changes to OPs (above), the municipality could lose additional flexibility at an even finer grained level of land use planning, which is important given the proposed standardized OP template and land use designations.</p> <p>With a standardized Official Plan template and land use designations, it is important for the Town to retain greater flexibility within secondary plans.</p>

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	<p>The Town supports continuing to exempt Secondary Plans from Minister’s approval.</p> <p>Town staff request further consultation with municipalities prior to finalization of any implementing regulations and/or transition provisions.</p> <p>Comments also submitted through ERO posting 026-315</p>
<p>Projection Methodology</p>	<p>Ministry of Finance projections have historically been significantly lower than the ‘A Place to Grow’ forecasts which is likely to result in challenges for municipalities (and infrastructure / service providers) trying to reconcile total population and employment figures in the 2051 planning horizon with the subsequent planning horizons at the next Official Plan update.</p> <p>While the methodology does offer opportunities for discretion and flexibility, the Province is encouraged to place greater emphasis on factors such as infrastructure, changing demographics, and affordability both on overall local municipal population growth as well as the nuances in population age structure and household formation. Household dynamics and family/household constructs have, and are changing, and projecting historical trends forward over a 20–30-year period may not accurately reflect these shifts and impacts on housing and land needs. For example, while historically there has been a market preference for single detached housing forms, both affordability and land use policy decisions have resulted in a greater need for higher density housing forms. Continuing to project a similar level of demand for low-density housing forms will have a significant impact on land needs across the Province and is likely to result in an over designation of greenfield lands (i.e.. sprawl).</p> <p>Additional commentary / guidance is recommended on the concept of employment intensification and work from home. Not all job growth (inside or outside employment areas) translates to new space growth – something which impacts different sectors / building types to different degrees. This should be factored into any land needs assessment undertaken by a municipality. Further, while the long-term impacts of work from home / hybrid work are still not fully known, they have the potential to impact both land use, infrastructure, and DC planning.</p> <p>Comments also submitted through ERO posting 026-0304</p>

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<p>Building Code Review</p>	<p>Staff generally support clearer and more efficient Building Code rules.</p> <p>Chief Building Officials and the OLMCBO (Ontario Large Municipalities Chief Building Officials) should be members of the third-party advisory body.</p> <p>A successful Building Code Review will depend on maintaining life safety & building performance, allowing reasonable transition periods, and recognizing municipal capacity and enforcement responsibilities.</p> <p>Town staff request further consultation with municipalities prior to finalization of any implementing regulations and/or transition provisions.</p>
<p>Site Plan Reform</p>	<p>Town of Whitby staff do not support the removal of Site Plan Control as a land use planning tool. The Site Plan Approval process plays a critical role in coordinating the functional aspects of site design and ensure that municipal and agency interests are addressed, including provincial agencies. It is a key tool used by the Town to guide the layout of sites and buildings, traffic circulation and parking, pedestrian connectivity, servicing, stormwater management, grading, drainage, landscaping, and the overall public realm. It also provides a mechanism to review technical matters such as noise, environmental impacts, site contamination, archaeological considerations, and construction-related impacts.</p> <p>In the absence of this process, development would proceed directly to building permit review, which is primarily focused on building construction standards and does not address broader site-related matters. This would create gaps in the coordinated review of key elements related to health and safety external to the building and increase reliance on zoning by-laws to address detailed site design matters, despite zoning not being intended for this purpose. It would also limit the Town's ability to identify and secure requirements such as road widenings and reciprocal access easements, reduce the ability to implement sustainability measures, and result in less consistency in urban design and landscaping outcomes. Limiting or removing Site Plan Agreements would also financially impact the Town's ability to request Letters of Credit and reduce the ability to hold development proponents accountable for required works.</p> <p>The Town may also face increased pressure from residents to address design-related concerns without having the appropriate tools in place. The Province should focus on streamlining the Site Plan Approval process rather than</p>

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	<p>removing it, including clarifying prohibited matters and reviewing agency involvement.</p> <p>Town staff are generally supportive of limiting the number of re-circulations and are agreeable to meeting with applicants after the third circulation to resolve outstanding issues. This approach aligns with current Town practices, where meetings are proactively scheduled to facilitate resolution. Providing flexibility for such meetings to occur at the applicant's request is appropriate.</p> <p>The Town does not support a prescribed, standardized checklist that limits the ability to request additional studies and materials. Rather than defining a fixed list of permitted submission requirements, the Province should identify matters that fall outside the scope of site plan control. Municipalities require flexibility to request studies and drawings necessary to address functional and technical considerations. For example, building elevations may be required to confirm compliance with zoning standards such as height, even where architectural design is not being evaluated.</p> <p>Reliance on certified professionals alone to accept or approve reports and studies is not supported. Municipal review is necessary to ensure that submitted materials are accurate, coordinated, and reflective of the current proposal. It is common for reports and drawings to require revisions to address deficiencies, incorporate updated design iterations, or respond to local standards and conditions. Removing or limiting this review function may result in incomplete or uncoordinated approvals.</p> <p>The establishment of a municipal arbitration process or site plan review panel as an alternative to the Ontario Land Tribunal is not supported. Introducing an additional layer of review is expected to increase costs, administrative burden, and potential delays rather than improve efficiency. Given that Site Plan appeals to the Ontario Land Tribunal represent a very small proportion of overall applications, it is anticipated that there would be limited to no efficiency gains from establishing a new adjudicative body.</p> <p>The Town already utilizes a streamlined approach for minor or less complex development applications, including reduced circulation and expedited review processes, and in some cases the use of Letters of Undertaking in place of formal Site Plan Agreements. Municipalities should retain discretion to determine when and how to apply these streamlined processes based on the scale and complexity of development.</p>

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	Comments also submitted through ERO 026-310
<p>Minimum Residential Lot Size in Urban Areas</p>	<p>Whitby has a number of newer areas zoned to allow lot sizes in the range of 175m². These lots have been implemented through Draft Plan of Subdivision and/or Site Plan approval processes and are generally comprised of townhouse dwelling typologies (not single detached dwellings).</p> <p>Whitby has many older neighbourhoods, which are referred to as “Mature Neighbourhoods.” These areas are comprised of larger lot areas and lot frontages. Allowing small lots broadly across the municipality will create challenges, including, but not limited to, winter snow removal, surface water management, on-street parking opportunities and boulevard tree planting. Increasing the number of lots in an existing neighbourhood will result in more driveways which can have a negative impact on the public realm and the established character of built form/streetscape. These impacts may also result in the loss of street trees and a reduction in the overall tree canopy, as well as impacts to transportation stops/facilities.</p> <p>Allowing a minimum lot size of 175m² across the entire urban area could lead to constrained driveway widths and lengths, limiting the ability to provide adequate off-street parking. This may result in increased on-street parking demand, congestion, and potential conflicts with maintenance, access, snow clearing, waste collection, emergency access, and limiting the ability to accommodate extra parking to facilitate legal Additional Dwelling Units (ADUs). Current engineering servicing standards may not be achieved on smaller lot sizes.</p> <p>Ensuring sufficient lot frontage and area is critical to accommodate driveways that meet municipal standards and support safe, accessible parking for residents.</p> <p>Currently, the Town is undertaking a Comprehensive Zoning By-law Review. Through that process staff are reducing the number of low density residential zones, and in some cases, where appropriate, reducing lot area and frontage. The following represent the minimum lot sizes based on residential use:</p> <p>Single Detached: minimum lot frontage 8m, area 240m² Semi-Detached: minimum lot frontage 7m, area 190m² Street Townhouse: minimum lot frontage 6m, area 160m²</p> <p>This effort is meant to encourage broader housing options, allow for lot sizes that will support ADUs and make approvals</p>

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	<p>easier while ensuring adequate space for drainage, parking, street trees and driveways.</p> <p>Comments also submitted through ERO 026-311</p>
<p>Complete Applications</p>	<p>There are numerous reports and drawings missing from the proposed list of submission materials. The ERO posting does not identify many of the plans typically required to support development applications, including but not limited to Site Plans, Architectural and Civil Engineering packages, Phasing Plans, Draft Plans of Subdivision, and Surveys.</p> <p>There are also site-specific studies not identified that play an important role in safeguarding public health and safety. For example, Well Interference Reports are required where development is proposed near existing private wells to ensure drinking water sources are not impacted. Similarly, Soils and Slope Stability Reports are used to establish safe development limits near valleys and watercourses, and Construction Management Reports are required to mitigate impacts on adjacent properties during construction. These types of studies are critical to ensuring safe and compatible development.</p> <p>Rather than prescribing a definitive list of materials, the Province should consider identifying areas that fall outside of municipal land use planning authority. Municipalities could then tailor their submission requirements accordingly. This approach would provide clarity while maintaining flexibility to address local conditions and technical considerations.</p> <p>Submission requirements also vary depending on the stage of the planning process. Municipalities should retain the ability to define terms of reference and identify appropriate studies based on the specific application type and site context.</p> <p>Town staff do not see the need to distinguish between “core” and “contingent” studies. In practice, submission requirements are determined on a project-specific basis, as many commonly required studies are not necessary for all applications. For example, Environmental Impact Studies are only required where natural heritage features are present, and Planning Justification Reports may not be needed for straightforward applications.</p> <p>Town staff request the Province consider how municipalities will continue to maintain the ability to ensure Provincial Interest is met if there are limitations on the type of information / studies / reports that can be requested. For example, when an application requires consideration of such matters as archaeological resources, sensitive uses (land use</p>

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	<p>compatibility, D6) or prohibiting development in certain areas (EIS, PSWs).</p> <p>Given the scope and implications of the proposed changes, Town staff recommend that the Province continue to engage with municipalities and stakeholders to ensure that any revised framework maintains the ability to address local conditions, protects public health and safety, and supports an efficient and effective development review process. This includes further consultation with municipalities prior to finalization of any implementing regulations and/or transition provisions.</p> <p>Comments also submitted through ERO 026-313</p>
<p>Prescribed professions</p>	<p>If additional certified professionals are prescribed, the regulation should clarify that the certified professional could only submit reports/ studies in their certified area of expertise for the purposes of complete applications.</p> <p>Town staff request further consultation with municipalities prior to finalization of any implementing regulations and/or transition provisions.</p> <p>Comments also submitted through ERO 026-314</p>
<p>Non-Profit Retirement Homes</p>	<p>This change may incentivize the development of more non-profit retirement housing, supporting broader housing objectives, including aging-in-place and increased housing supply.</p> <p>However, the proposed exemption should only apply to retirement homes that are both developed and further operated by a non-profit organization, so that the intended non-profit sector benefits fully from the exemption.</p>
<p>Amendments and Revocations of Notice of Minister's Zoning Orders (MZOs)</p>	<p>The Town may have reduced input on minor or time-sensitive changes to MZOs affecting lands within its jurisdiction.</p>
<p>Communal Water and Wastewater Systems</p>	<p>While unlikely to have a significant impact on the Town where municipal services are planned by both the Town and the Region, this could have an impact in areas where servicing constraints are limiting development.</p> <p>It could, however, have the unintended consequence of promoting disconnected growth across multiple areas rather than orderly and sequenced development.</p>

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	<p>Enforcement of technical standards and conditions should be clarified. For example, will this be through the Ontario Clean Water Agency or is the municipality responsible to enforce?</p> <p>Private water/wastewater services should require the creation of a common element condominium corporation to operate and maintain any private water/wastewater infrastructure. Regulations should include requirements for securities, reserve funds, and take-over provisions to ensure that water and wastewater services are properly operated and maintained.</p> <p>Comments also submitted through ERO 026-0302</p>
<p>Parkland Dedication Requirements</p>	<p>Municipalities should retain the ability to require that parkland conveyed is free and clear of encumbrances, environmental risks, and use restrictions that may limit public access or functionality. Parkland should be genuinely accessible to the public and not function as private or quasi-private space, including Privately Owned Publicly Accessible Spaces (POPS). Any private interests associated with encumbered lands should be responsible for all costs related to construction, maintenance, and lifecycle replacement.</p> <p>Requiring municipalities to accept developer-identified parkland may reduce the Town's ability to secure appropriately sized, configured, and located parks that support active recreation and align with Official Plan policies and Parks and Recreation Master Plan objectives. This approach increases the likelihood of acquiring fragmented, constrained, or unusable parcels and limits the ability to secure cash-in-lieu for more strategic acquisitions, ultimately reducing the supply of functional, programmable parkland.</p> <p>The proposed changes may undermine long-term parks planning by shifting decision-making from a coordinated, system-wide approach to a site-by-site framework driven by development patterns and adjudication. This limits the Town's ability to proactively plan and deliver a cohesive parks system that meets community needs.</p> <p>There are also implications for capital planning and municipal finances. The conveyance of parkland that does not align with planned priorities may create unanticipated funding pressures, reduce cash-in-lieu contributions, and require the Town to spread limited resources across a greater number of lower-value park sites, impacting the delivery of priority park projects.</p> <p>Over time, the acceptance of smaller or encumbered parkland is expected to increase maintenance and lifecycle costs and place additional pressure on the property tax base.</p>

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	<p>These types of parks are more complex and costly to maintain and are not easily integrated into long-term asset management programs.</p> <p>The proposed framework may also increase demands on municipal staff resources and introduce equity concerns, as high-growth areas may receive parkland that does not adequately meet recreational needs.</p> <p>Town staff request further consultation with municipalities prior to finalization of any implementing regulations and/or transition provisions.</p> <p>Comments also submitted through ERO 026-312</p>
<p>Sustainability</p>	<p>The removal of a legislated requirements weakens the policy foundation for climate aligned land use planning and may impact implementation of the Town’s Climate Emergency Response Plan. This includes specific actions related to extreme heat and flooding and actions to mitigate GHG emissions. It could also impact design requirements for major projects which are upsizing infrastructure (e.g. sewers / bridges, etc.) to accommodate for climate change.</p> <p>Municipalities would be restricted from requiring sustainability measures beyond minimum Building Code requirements. Version 2 of the Whitby Green Standard is currently a voluntary, incentive-based framework where developers may choose to participate. That said, the proposed changes would eliminate the Town’s ability to reintroduce a mandatory green building standard in the future, even if evidence demonstrates that a voluntary approach is insufficient to achieving the Town’s sustainability and climate objectives.</p> <p>The removal of “sustainable design” principles—including practices such as green roofs, low impact development measures, and infiltration galleries—means these elements are no longer identified and have not been replaced with comparable requirements or guiding principles. As a result, future development may default to conventional stormwater management and engineering standards, with reduced emphasis on climate resilience, adaptation, and integrated site design.</p> <p>Green roofs, for example, on multi-unit residential buildings have been successful in reducing local “heat island” effects and perform an important stormwater mitigation function for urban and urbanizing areas. This is especially important given the continuing risk of flooding and cost of new and larger SWM infrastructure.</p>

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	<p>Setting mandatory EV-ready parking provisions would also be prohibited. While retrofitting parking structures to support electric vehicle charging infrastructure can be costly and disruptive, the relative cost of installing conduit and planning for future electrical capacity during construction is minimal.</p> <p>These measures would limit the Town's ability to meet local, provincial, and federal climate objectives.</p>