

**Region of Durham Submission for 026-0300**

Summary and Comments on 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, 2026)**)

ERO/RR Posting and Comment Period	Durham Region Staff Comments
<p>026-0300 March 30, 2026 – May 14, 2026 (45 days)</p> <p><a href="#"><u>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, 2026)</u></a></p>	<p>The Region of Durham is an upper-tier municipality without planning responsibilities. The following Regional staff comments are offered to the province based on practical, professional experience.</p> <p><b>(1) Streamlining and Standardizing Official Plans</b></p> <p><b>Staff Comments:</b></p> <ul style="list-style-type: none"> <li>• This component of proposed ERO 026-0300 seeks changes to the Planning Act to streamline and standardize area municipal official plans by structure, through a standardized table of contents and schedules, as well as a standardized set of land use designations to be used in local official plans.</li> <li>• As noted in previous comments on Bill 17 and Bill 60, while consistency and certainty in the development process are important, municipal interests differ across the province. This proposal will result in a loss of municipal autonomy and control related to specific development-related concerns.</li> <li>• It is important to continue to allow municipalities to determine what designations, structure and studies may be necessary to allow for local planners to best respond to the needs of the community.</li> <li>• Standardizing the number and type of land use designations does not take into account the differences and complexities between municipalities in Ontario. By requiring boilerplate designations, it reduces autonomy and the ability for municipalities to be responsive to the development needs in their community. For example, the flexibility needed to encourage growth in downtown Oshawa is vastly different than supporting more rural areas of Durham Region. Municipalities should have the autonomy to create official plans that work for their communities to support housing goals while recognizing local priorities.</li> <li>• Should the province require all lower-tier OPs to include a chapter on Indigenous Engagement, it is recommended that the Ministry work directly with Indigenous partners to develop guidance on</li> </ul>

meaningful engagement, consultation and accommodation throughout the official planning process to inform the contents of this standardized chapter.

- The streamlined and standardized OPs as outlined in this ERO are proposed to come into force January 1, 2028 for the 29 large and fast-growing municipalities (including Pickering, Ajax, Whitby, Oshawa and Clarington), and January 1, 2029 for all other municipalities (including the Townships of Brock, Scugog and Uxbridge).
- Several of the Region’s lower-tier municipalities are already in advanced stages of their respective OP Reviews, including integrating Envision Durham and provincial conformity exercises (i.e. PPS 2024).
- While some of the work completed to date could be incorporated into the proposed new framework – pivoting efforts, resources and re-engaging stakeholders and the public, as well as other matters such as educating councils and interested parties on the changes being proposed, will take time to execute.

**(2) Complementary Changes to Support Implementation of Streamlining and Standardizing Official Plans**

**Staff Comments:**

- This component of proposed ERO 026-0300 seeks changes to the Planning Act to support implementation of the proposed new official plan framework, including:
  - Removing redundant requirements for municipalities to include climate change policies in their official plans;
  - Providing that for an already approved protected major transit station area (PMTSA), only official plan amendments changing the boundaries of the PMTSA or the planned population and jobs for the area would require the Minister’s approval; and
  - Providing the Minister with authority to exempt lower-tier municipalities from requirements to conform with upper-tier official plan to facilitate implementation of testing for the proposed official plan framework.
- Exempting lower-tier municipalities from the requirement to conform to upper-tier official plans, where upper-tiers still have planning authority, could cause unintended consequences and adverse impacts on region-wide matters if not carefully implemented.
- Regardless of the proposed framework, lower-tier OPs should conform to upper-tier OPs where planning authority still exists at the upper tier level (e.g., Northumberland County, Peterborough County, etc.), and in instances where the upper-tier plan has not yet been repealed or amended, to ensure that cross-jurisdictional matters are adequately considered, including:

- Transportation networks, including transit, transit oriented development (TOD), and Regional right-of-way (ROW) requirements;
- Water and wastewater (sewage) servicing;
- Growth modelling to support regional infrastructure and service planning, such as long-term transportation and water/wastewater needs;
- Supportive housing, where the upper-tier is the Service Manager under the Housing Services Act, 2011; and
- Broad-based regional systems planning, such as Natural Heritage and Agricultural Systems. This should include provincial systems planning, such as the Greenbelt Plan Area and Oak Ridges Moraine.

**(3) Site Plan: Prohibit Mandatory Municipal Enhanced Development Standards and Green Building Standards**

**Staff Comments:**

- This component of proposed ERO 026-0300 seeks to remove the municipal authority to require certain mandatory Enhanced Development Standards (generally referred to as “green development standards”) at the lot level, outside of buildings, that are not specifically required for health or safety (e.g. stormwater management). The intent of this proposal is to provide even greater clarity that green building/construction standards are voluntary, and cannot be imposed through the site plan approval process by municipalities.
- Durham Region staff work with local area municipalities who have green development standards (i.e. Whitby, Ajax, Pickering) that include lot level measures; many of these enhanced development standards are modeled off best practices (i.e. Toronto Green Standard).
- Municipalities use green development standards to reduce GHG emissions; manage demand on energy and water resources; improve water management; increase greenspace; and improve air quality. They also increase climate resilience; improve energy affordability by lowering utility costs for residents; create economic opportunities in the green building sector; reduce strain on infrastructure; and improve public health. Proposed changes under Bill 98 would limit municipal authority to implement green development standards. Weakening the application of green standards transfers long-term financial and environmental costs to taxpayers and municipalities.
- Municipal development standards reduce key climate risks (i.e. flood risk, heat stress, severe wind). Example standards include grading, landscaping/trees, downspout disconnection, waterproofing, permeable pavement. These standards improve housing durability and affordability, by reducing costly future repairs that will be incurred by the homeowner and

reduce overall burden on the municipal water infrastructure systems. Removing or limiting these standards impacts long-term infrastructure planning.

- Bicycle parking, transit stops, and publicly-accessible spaces and pathways support intensification of existing urban areas into complete communities where there may not be sufficient road width or publicly-owned land available to provide these amenities. Municipal staff should continue to identify local needs and develop locally-appropriate strategies to fulfill those needs.
- Green standards enable EV-ready infrastructure in new developments. Adding EV infrastructure after the development is built would be extremely costly to the end user. Limiting green standards may further limit municipalities' ability to support complete and future-ready communities.
- Green standards can support the implementation of energy efficiency measures that can help to reduce energy demand across the province, as well as the implementation of strict energy and low carbon thermal energy systems by encouraging development patterns and building design that enable efficient energy distribution. Limiting these standards may result in new developments defaulting to conventional fossil fuel-based heating systems and lower-performance building practices. This could increase long-term energy costs for residents and expose households to increased volatility in energy prices.
- Some green development standards include low-cost, passive design measures that could be easily integrated into regular practices while improving stormwater management, energy efficiency, and mitigating heat island effect (i.e. swales, cool roofs, trees for shading, etc.).

#### **(4) Minimum Lot Sizes**

##### **Staff Comments:**

- This component of proposed ERO 026-0300 provides notice of the proposed changes to the Planning Act, needed to give authority for the proposed regulations outlined in ERO 026-0311. For Regional staff comments on this matter, please refer to the Region of Durham Submission for ERO 026-0311 on the proposed regulatory approach to establish a minimum residential lot size in urban areas.

#### **(5) Minister's Zoning Orders**

##### **Staff Comments:**

- This component of proposed ERO 026-0300 seeks changes to the Planning Act that would remove the legislative requirement for the Minister to provide notice on proposed amendments to or revocations of Minister’s Zoning Orders (MZOs).
- Regional staff initially provided feedback on a Notice of Motion regarding MZOs through Report [#2020-P-30](#), wherein the Region expressed concerns about how MZO’s have been implemented and the lack of municipal oversight resulting from these decisions, including: the Region expressed concerns about how MZO’s have been implemented and the lack of municipal oversight resulting from these provincial decisions; conformity to provincial policy; effects on the surrounding area; the completion of technical studies; environmental impact of the development; and, impacts on Regional infrastructure.
- Any changes to the MZO process, including those proposed in ERO 026-0300 should respect municipal oversight and allow for meaningful Indigenous engagement (including but not limited to Duty to Consult) taking into consideration the potential impacts on municipalities, Indigenous communities and their treaty rights.

**(6) Upper-tier Planning Responsibilities in Simcoe County**

**Staff Comments:**

- Regional staff have no position on these proposed changes.

**(7) Encumbered Parkland and Privately Owned Public Spaces (POPS)**

**Staff Comments:**

- The provision of adequate parks space in higher density areas contributes to their function as pedestrian-oriented places. Parkland dedication in higher density areas also helps to deliver climate resilience benefits, including stormwater management and urban heat island attenuation.
- Parkland, parkland dedication and related implementation matters are a responsibility of the area municipalities in the Region of Durham.