



Ministry of Municipal Affairs and Housing  
Planning and Housing Policy Branch  
777 Bay St.  
Toronto, Ontario  
M7A 2J3  
[PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

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**Re: Proposed Bill 98 Building Homes and Improving Transportation Infrastructure Act, 2026**

Community Action for Environmental Sustainability (CAFES) is a non-profit network that supports community-led environment and climate action across Ottawa. We appreciate the opportunity to comment on the proposed legislative changes under Bill 98.

We write to express serious concerns about provisions in Bill 98 that would strip municipalities of their ability to set green building standards, prohibit EV-ready construction requirements, permit the elimination of climate planning from Official Plans, and centralize transit decision-making.

Bill 98 would dismantle municipal policies that are fundamental to the protection of the health and welfare of Ontario's residents. For example, it would undo established municipal policies that are key to good indoor and outdoor air quality, increasing the rates of asthma in children, cardiovascular disease, and cancer.

## Green Building Standards

There are striking parallels between Bill 98 and actions taken by U.S. states to preempt municipal decision-making related to fossil fuel use in buildings. A peer-reviewed study in the journal *Nature* links lobbying efforts by the natural gas industry with this type of policy. States like Texas, Florida, Alabama, Mississippi, Georgia, West Virginia, Kentucky, Arkansas, Missouri, and Wyoming have all passed legislation analogous to Bill 98.

The evidence available does not support the claim that preempting local green building standards is an effective or proven way to accelerate housing construction. Nor has the Ontario government provided robust, quantitative evidence showing that removing municipal green building standards meaningfully addresses housing shortages.

According to the Canadian Home Builders Association, significant advances in construction practices mean that highly energy-efficient homes (net-zero) are now cost-neutral at the point of

construction in many cases. The reality is that the pace of new housing development and the quality of development are not in conflict. We can have both, and there are good reasons to do so. Buildings built to established green building standards are healthier, pollute less, and have lower utility bills, improving affordability.

Bill 98 should be amended to enable municipalities to continue responding to local housing, health, and climate needs with evidence-based policies such as Green Building Standards.

## EV Ready Construction Requirements

Bill 98's bar on municipal EV readiness requirements puts the government's weight decidedly on one side of the scale, favoring fossil-fuel vehicles. It would entrench a polluting status quo that accounts for 20% of the province's greenhouse gas emissions, just as the rest of the world is rapidly moving toward electric vehicles. The provincial government previously eliminated EV-charging readiness from the provincial Building Code, and now, it seeks to stop democratically elected municipal governments from filling the gap it created.

EV charging readiness measures help ensure that new buildings have the infrastructure they require to meet residents' needs. EV charging readiness measures allow residents to choose to drive electric vehicles without concerns regarding convenient charging. Implementing EV charging during the construction process is easier and far less expensive than future retrofitting efforts.

Bill 98's EV charging rollbacks would entrench a polluting status quo, making it more difficult for drivers across the province to switch to electric. The result will be more air pollution, more climate change, and higher costs for Ontario households due to the volatile, high price of gasoline.

Bill 98 should be amended to restore municipal authority over EV-readiness.

## Climate Planning in Official Plans

Bill 98 repeals a section of the Planning Act so that an official plan is no longer required to include goals, objectives, and actions to mitigate greenhouse gas emissions. Ontario is already missing its climate targets, and this would worsen the outlook. In October 2025, the province's own Auditor General found that Ontario would miss the 2030 target that the government set, and by a wider margin than the government had publicly acknowledged. Bill 98 would enable municipalities to ignore climate change in their official planning, which in turn will make it more difficult for Ontario to meet its climate targets going forward.

Bill 98 should be amended to preserve climate planning in official plans, recognizing the important role that municipalities play in helping Ontario reduce greenhouse gas emissions.

## Centralization of Transit Decision-making

Bill 98's centralization of transit authority at the provincial level removes democratic accountability for transit decisions from city councilors. Bill 98 should not be used to centralize control over municipal transit systems or to strip municipalities of authority over local transit planning, fares, service design, and governance. Ottawa's transit system serves local needs and should remain accountable to locally elected representatives rather than being subject to broad provincial control by regulation.

If the province intends to extend Bill 98's transit regime to Ottawa or otherwise diminish local authority over transit decision-making, it should first be required to provide clear public notice and a meaningful opportunity for hearing and comment. The City of Ottawa and Ottawa residents should have a formal opportunity to review and respond to any proposed regulation before it is finalized.

For that reason, Bill 98 should be amended either to protect municipal transit autonomy or, at minimum, to require notice, consultation, and a hearing before any regulation is adopted that would transfer decision-making power over Ottawa transit to the province.

Taken together, the provisions of Bill 98 do not represent a balanced set of trade-offs made in the public interest. They represent the systematic removal of municipal tools that Ontario needs to protect the health of its residents, address the high cost of living, and meet its emissions commitments. The costs of these choices will not fall on developers. They will fall on the families who move into new homes built to a lesser standard, on the renters and condo owners denied access to clean transportation, on the communities that will experience more climate change impacts, and on the health of the public.

Further, centralizing transit decision-making reduces responsiveness and democratic accountability for a local function.

More detailed analysis is provided in the Appendix to this submission.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Keller-Herzog', is written over a light grey rectangular background.

Angela Keller-Herzog

Executive Director

[akellerherzog@cafesottawa.ca](mailto:akellerherzog@cafesottawa.ca)

# Appendix

## Bill 98's Impact on Green Building Standards

### Section Introduction

New buildings are an opportunity to build with the future in mind. A building starts consuming energy as soon as the first occupants move in, and doesn't stop when those occupants move out. A building constructed today will serve successive generations of Ontarians, likely for a century or more. The choices made at the design stage will echo throughout that entire lifespan: in energy bills, in health outcomes, in greenhouse gas emissions, and in the community's resilience when extreme weather arrives.

Green building standards are the mechanism by which communities ensure that a building's future is not forgotten at the design and construction stage. A building's lifetime operating costs, the health of the people living in it, and its overall environmental impact are important factors to consider.

By removing municipal authority to set green building standards, Bill 98 would undermine thoughtful local leadership and subject all new construction in Ontario to a comparatively weak provincial baseline with no published metric-based roadmap for improvement. The result will be decades of higher energy costs for homeowners, lower climate resilience for communities, and greater harm to public health and the environment. There is also concern about the harm of removing local decision-making authority from municipalities, which are likely better positioned to respond to their communities' needs.

### 1. The Economic Case for Green Building Standards

A common objection to higher building standards is cost. It might be assumed that stripping green building requirements will reduce construction costs and, by extension, improve housing affordability. This framing is misleading because it considers only the upfront construction cost, ignoring the far greater costs homeowners bear over the building's lifetime.

#### **Key Finding — Net-Zero Homes Are Now Cost-Neutral at Construction**

*Significant advances in construction practice over the last five to ten years mean that homes built to a net-zero energy standard — representing roughly 50–80% lower energy use than a code-minimum home — are now cost-neutral at the point of construction in many cases, according to the Canadian Home Builders Association.*

The economic arithmetic strongly favors higher standards over the life of a home:

- A code-minimum home equipped with a natural gas furnace and gas water heater will generate decades of fuel bills. If natural gas prices rise, those costs will grow.
- A net-zero or near-net-zero home eliminates or dramatically reduces ongoing fuel costs. Over a 25-year mortgage, these savings are substantial and directly improve homeowners' affordability.
- Bill 98's proponents have provided no analysis of the total cost of homeownership, including utilities, for homes built under the proposed weakened standards. This is a serious omission in public policy development.
- Homes built to higher standards also command higher resale values and are less vulnerable to energy price shocks, providing financial resilience alongside environmental benefits.

An affordability argument that excludes the ongoing cost of ownership is narrow and misleading. A policy that shifts costs from developers at construction to homeowners over decades is not an affordability measure, it's a cost transfer.

## 2. Energy Outage Resilience

Resilience is a defining feature of homes built to green building standards. Better-insulated and sealed buildings retain heat far longer during power outages, a critical advantage during winter ice storms and prolonged cold snaps commonly experienced in Ontario. Homes equipped with rooftop solar panels paired with battery storage can maintain power during extended grid outages.

Bill 98 promotes further reliance on gas imported from the United States. Over 70% of Ontario's gas supply is imported, leaving it heavily dependent on a foreign power for basic heating.

All this matters because municipalities are the front line of emergency management in Ontario. They are required by law to build and maintain their own emergency management programs and to lead most emergency responses within their boundaries. Depriving municipalities of the tools to make their communities more energy resilient, while simultaneously requiring those municipalities to manage the consequences when something goes wrong, is a direct and irreconcilable contradiction.

## 3. Health and Environmental Benefits of Green Building Standards

The health and environmental case for encouraging municipalities to go beyond the Ontario Building Code is well-established with regard to indoor and outdoor air quality and greenhouse gas emissions.

### 3.1 Air Quality and Human Health

Natural gas combustion, the heating source for approximately 75% of Ontario homes, emits a range of pollutants of direct concern to human health, including:

- i. **Nitrogen oxides (NOx)** — linked to asthma exacerbation and respiratory disease
- ii. **Fine and ultra-fine particulate matter (PM)** — associated with cardiovascular disease and premature mortality
- iii. **Volatile organic compounds (VOCs) and carbon monoxide** — linked to reduced lung function in children and neurological effects

The Ontario Building Code addresses indoor air quality only indirectly, through minimum ventilation and contaminant-removal provisions aimed at what the Code characterizes as 'acceptable' indoor air quality. These provisions are not based on best-practice health standards, and the Code has no scope over the impacts on outdoor air quality from fossil fuel combustion at all.

Going beyond the Building Code by requiring all-electric heating, cooking, heat pump systems, or high-performance ventilation directly reduces both indoor and outdoor pollutant loads. Bill 98's prohibition of municipal green standards removes a key tool that cities have used to protect their residents' health. This is particularly significant in dense urban areas, where the cumulative effect of residential gas combustion alongside other sources of pollution substantially affects air quality.

It should be noted that health issues related to poor indoor and outdoor air quality also carry substantial costs for health care and productivity. The best available estimates indicate that these costs are likely in the billions of dollars each year in Ontario.

### 3.2 Greenhouse Gas Emissions and Ontario's Climate Targets

Buildings account for approximately one quarter of Ontario's total greenhouse gas emissions, making them the province's second-largest emitting sector after transportation. Natural gas (methane) heating alone is responsible for an estimated 88% of residential building emissions. In Ottawa, residential gas heating represents approximately 31% of total community-wide GHG emissions (September 2025 inventory).

Every new home built only to the Ontario Building Code minimum, and equipped with a gas furnace and gas water heater, may result in decades of emissions. A home built in 2026 will likely still be standing in 2100. Modeling by Pembina and others shows that adopting net-zero building requirements earlier (by 2030) produces substantially larger cumulative emission reductions by mid-century than waiting until 2050.

### **Ontario Is Already Missing Its Climate Targets**

*Ontario has committed to reducing greenhouse gas emissions by 30% below 2005 levels by 2030. In October 2025, the province's own Auditor General found that Ontario would miss that target — and by a wider margin than the government had publicly acknowledged.*

Green building standards such as net-zero energy, all-electric construction, and high-performance envelopes are not aspirational extras, they are necessary tools for meeting Ontario's own legally framed emissions commitments. Prohibiting municipalities from requiring them while the province simultaneously fails to strengthen the Building Code leaves a critical gap with no mechanism to close it.

## **4. Municipal Authority and Democratic Accountability**

Municipalities are the order of government closest to the people they serve. They understand their communities' specific circumstances — local climate risks, housing stock characteristics, economic conditions, and residents' priorities — in ways that a single provincial standard cannot capture. Ontario's municipalities have used that proximity to develop green building standards that are tailored, evidence-based, and responsive to their residents.

Toronto's Toronto Green Standard (TGS) has evolved over nearly two decades, moving from a voluntary standard in 2006 to a tiered system where requirements are strengthened roughly every four years as industry capacity grows. Hamilton, Ottawa, Mississauga, and more than a dozen other municipalities have adopted their own green development standards or high-performance building frameworks, often inspired by Toronto's approach. Bill 98 would dismantle the enforceable parts of these locally determined standards.

The City of Ottawa's High Performance Development Standard (HPDS) is a tiered set of sustainability and resilience metrics — covering energy performance, GHG emissions, tree canopy, urban heat island mitigation, ecology, and stormwater — designed to apply to new Site Plan Control and Plan of Subdivision applications. Council approved it in April 2022, but following the provincial Housing Acceleration Plan / Bill 109 changes that restricted what municipalities can require as part of site plan review, the HPDS has been downgraded to a voluntary guideline rather than a mandatory standard.

Bill 98's approach also suppresses innovation. Green building standards have historically been a site of productive experimentation: municipalities try new approaches, assess what works, and share lessons with each other and with the province. Standardizing everything at a provincial level eliminates that capacity for the foreseeable future.

## Section Conclusion

Bill 98 is premised on a false trade-off: that building more homes requires weakening the standards to which those homes are built. This is not supported by evidence. In many cases, net-zero energy homes are now cost-neutral at the time of construction. Municipalities with strong green standards are not failing to build housing — they are building housing that their residents can actually afford to live in over the long term.

The buildings constructed under Bill 98 will still be standing when Ontario is supposed to have reached net-zero emissions. Every home built to a gas-dependent code minimum is a future retrofit obligation, a future energy cost burden, and a future contribution to the emissions gap that Ontario is already failing to close. If implemented, Bill 98 would be a costly, ineffective, and shortsighted policy that would adversely affect communities across Ontario.

CAFES urges the Legislative Assembly to recognize that speed of development and quality of development are not in conflict. Ontario can build the homes it needs, and build them well while maintaining affordability. We call on members of all parties to support amendments to Bill 98 that address these concerns and ensure that the homes Ontario builds today are ones we can be proud to leave to the next generation.

# Bill 98's Impact on EV Charging

## Section Introduction

The world is increasingly moving toward electric vehicles, spurred largely by cost savings and environmental concerns. In 2025, globally, over 25% of the new car market was electric. In China, over half of all new vehicles are electric. In Norway, it's virtually 100%.

In Canada, a heightened awareness of our susceptibility to volatile gasoline prices is emerging. This, along with renewed federal incentives, is ushering in a rapid change in the car market. The latest data shows a 75% year-over-year increase in EV adoption for March.

While the world is quickly moving to diversify away from expensive and polluting fossil fuels, the Ontario government is seeking to entrench an unsustainable and costly status quo. After the Progressive Conservative government took office in 2018, it eliminated the EV-charging readiness rules from the provincial Building Code. The building code had previously required that new buildings be future-ready, with basic electrical infrastructure in place, including conduit and sufficient electrical capacity to accommodate EV charging. Some municipalities stepped in to fill the gap created by provincial policy with their own EV-readiness bylaws. For example, Toronto's Green Building Standard of 2022 requires new residential parking spaces to be EV-ready. Guelph, Kitchener, and Mississauga have their own EV-ready parking provisions.

Bill 98 would abrogate municipalities' authority to ensure that new buildings in their cities are EV-ready, and prevent elected municipal leaders from choosing a wiser path on behalf of their constituents.

## Why EV charging readiness is needed

EV charging readiness measures help ensure that new buildings have the infrastructure they require to meet their residents' needs both in the short and long terms. EV charging readiness bylaws are key to EV choice for renters and condo owners, are important for economic reasons, and yield health and environmental benefits.

### 1. Key for Electric Vehicle Choice

EV charging readiness bylaws enable electric-vehicle choice for residents of new multifamily buildings, such as condos and apartments. Given that the vast majority of new housing starts in Ontario are now for multifamily units, Bill 98's negative impact on the electrification of transportation would be particularly significant.

For many residents of apartments and condos, a major obstacle to owning an electric vehicle is access to convenient charging where they routinely park. A lack of easily available charging

access is a major reason EV adoption is lower among residents of multifamily buildings than among single-family homeowners.

Home charging makes owning an EV more convenient than buying gas, but public stations add travel and recharging time, often cost 2-8 times more, and aren't always available. This hassle and cost make purchasing an EV seem impractical and will likely push multifamily residents toward polluting gas-powered vehicles. Equipping new buildings with EV charging infrastructure gives residents of these communities a reasonable choice.

## 2. The Economic Case

EVs are affordability champions. Estimates suggest that over the course of 10 years of EV ownership, typical drivers can save upwards of \$20,000 on fuel and maintenance. Lack of access to these savings would be inequitable to apartment and condo residents when compared to homeowners. Fully realizing these savings requires at-home charging, which EV charging readiness bylaws support.

Why not install the infrastructure later? First, EV adoption is already significant and is growing. There is a need for it today as there are already over 250,000 electrified vehicles in Ontario. Second, it is relatively inexpensive to install basic EV charging infrastructure at the time of a building's construction. It becomes notably more difficult and expensive thereafter due to collective decision-making challenges (e.g., in condos) and infrastructure retrofit costs.

EV charging readiness bylaws are key to enabling residents to realize the cost savings that EVs provide. Home charging capacity installed at the time of initial construction is the best way to do this. Failure to provide for this basic infrastructure will result in higher long-term costs to retrofit the infrastructure later, higher costs for building residents who have no practical alternative to gas-powered vehicles, and health and environmental harm.

## 3. Health and the Environment

The environmental and health case for EV charging readiness is clear. The provincial government's roll-back of EV charging readiness requirements places its thumb heavily on the scale toward gas vehicle adoption and away from zero-emission EV adoption. EVs are broadly recognized by experts as being significantly better than gasoline vehicles for human health and the climate.

### 3.1 Air Quality and Human Health

There will be real health consequences from Bill 98. Research on childhood asthma and vehicle technology shows that gas-powered vehicles are a major driver of new asthma cases: roughly one new childhood asthma case occurs for every 1,000 new gas-powered vehicles sold, due to their tailpipe emissions.

University of Toronto researchers have shown that gasoline-powered traffic is a major source of harmful air pollution in Toronto, with emissions spreading farther into neighbourhoods than previously understood and affecting roughly one in three Canadian homes near busy roads. Their mobile-lab studies found that ultra-fine particles from vehicle exhaust can travel more than 280 metres from major highways, meaning many residents are routinely exposed to pollutants that can penetrate deep into the lungs, enter the bloodstream, and reach other organs. These traffic-related emissions include carcinogens which have been measured at levels in downtown Toronto air that exceed provincial health-based standards and are linked to increased risks of cancer, heart disease, and respiratory illness.

### 3.2 Greenhouse Gas Emissions and Ontario's Climate Targets

About 20% of Ontario's greenhouse gas emissions come from personal vehicles (cars, SUVs, and pickup trucks). These planet-heating emissions are causing numerous impacts on the well-being of Ontario's citizens now and in the future. Ontario is notably already missing its climate targets, and a rollback of EV charging readiness only worsens the situation.

#### **Ontario Is Already Missing Its Climate Targets**

*Ontario has committed to reducing greenhouse gas emissions by 30% below 2005 levels by 2030. In October 2025, the province's own Auditor General found that Ontario would miss that target — and by a wider margin than the government had publicly acknowledged.*

EVs are recognized as significantly better for climate change than gasoline vehicles. Failure to put in place the necessary infrastructure for electric vehicle charging in new buildings discourages EV adoption and therefore directly impacts Ontario's ability to meet its climate targets.

## Section Conclusion

Bill 98's EV charging rollbacks would entrench a polluting status quo, making it more difficult for drivers across the province to switch to electric. The result will be more air pollution, more climate change, and more costs for Ontario households because of the high price of gas. The rollback that Bill 98 proposes defies the fundamental scientific consensus on what must be done to protect human and environmental well-being. Prohibiting municipalities from taking action to protect their citizens' health and welfare is destructive to our communities and undermines the public's faith in government. The consequences of these types of actions, if brought further into reality, will be felt by generations of Ontarians to come.

CAFES urges the Legislative Assembly to remove the provisions of Bill 98 that prohibit municipalities from requiring EV-charging readiness in new buildings, so that local governments can continue to ensure new facilities are ready for electric vehicle charging.

# Bill 98's Impact on Municipal Transit Governance and Democratic Accountability

Bill 98 should not be used, whether now or by future regulation, to centralize control over municipal transit systems or to strip municipalities of authority over local transit planning, fares, service design, and governance. Municipal governments are the order of government closest to the people who rely on transit every day, and they are best positioned to understand local travel patterns, equity needs, land-use context, and the trade-offs required to deliver service in a way that reflects community priorities.

The transit provisions in Bill 98 create a framework that allows the province, through regulation, to establish fare structures, prescribe geographic zones, and apportion fare revenue. Although Ottawa is not automatically captured by the legislation as introduced, the Act expressly allows additional areas to be added by regulation, creating a path for future provincial control over Ottawa transit without returning to the legislature for a new statute.

This approach is objectionable in principle. Local transit is not an abstract administrative function; it is a core municipal service that shapes access to employment, education, health care, and civic life. Decisions about routes, frequencies, fare policy, and investment priorities have immediate consequences for residents and should remain accountable to locally elected representatives, not be shifted to the province.

Centralizing transit decision-making also risks producing worse policy. Ottawa's transit network has distinct characteristics, including the interaction of bus and rail service, suburban and rural coverage challenges, and cross-river travel with Gatineau. A one-size-fits-all provincial approach designed around other regions may not reflect Ottawa's operational realities or the needs of its transit users.

If the province intends to use Bill 98 to extend provincial control over Ottawa's transit system, it should be required to provide a meaningful opportunity for hearing and comment before doing so. At a minimum, this should include public notice of any proposed regulation affecting Ottawa transit, a formal public consultation period, and a direct opportunity for the City of Ottawa and Ottawa residents to make submissions before any regulation is finalized.

Ottawa should not lose local authority over transit governance without procedural fairness. Any proposal to bring OC Transpo under provincial control, alter fare-setting authority, mandate service changes, or reallocate local fare revenue should be subject to transparent consultation and a genuine hearing process in which Ottawa and the public can be heard.

For these reasons, CAFES urges the Legislative Assembly to amend Bill 98 to expressly protect municipal authority over local transit systems or, at minimum, to require notice, hearing, and public comment before any regulation is made that would diminish Ottawa's control over its own transit decisions.

## Sources Cited

1. Farrell, J., et al. "The natural gas industry, the Republican Party, and state preemption of local building decarbonization policy." *Nature Energy*, November 2024. <https://www.nature.com/articles/s44168-024-00176-4>
2. Canadian Home Builders Association. *Net Zero Energy Housing in Canada*. 2024. <https://www.chba.ca/>
3. Ontario Regulation 332/12 (Building Code). History of EV-charging readiness provisions. <https://www.ontario.ca/laws/regulation/r19088>
4. CBC News. "Ontario will miss 2030 emission reduction goal by even wider gap than it admits." October 1, 2025. <https://www.cbc.ca/news/canada/toronto/ontario-auditor-general-emission-reduction-1.7648143>
5. Environmental Science & Engineering Magazine. "Health Canada says impact of air pollution costs more than \$100B annually." 2021. <https://esemag.com/air-pollution/impact-of-air-pollution-costs-canada-more-than-100b-annually/>.
6. Emergency Management Ontario. *Municipal Emergency Management*. Government of Ontario. <https://www.ontario.ca/page/emergency-management-ontario>
7. Electric Autonomy Canada. *Canada EV-Ready Tracker: Bylaw and MURB*. Updated 2025-2026. <https://electricautonomy.ca/canada-ev-ready-tracker-bylaw-murb/>
8. Natural Resources Canada. *Guide to Electric Vehicle Charging in Multi-Unit Residential Buildings (MURBs)*. Government of Canada. [https://natural-resources.canada.ca/sites/nrcan/files/energy/pdf/Guide\\_to\\_EV\\_Charging\\_in\\_MURBs\\_ENG\\_ACC.pdf](https://natural-resources.canada.ca/sites/nrcan/files/energy/pdf/Guide_to_EV_Charging_in_MURBs_ENG_ACC.pdf)
9. Clean Energy Canada. *Make Your Condo EV-Ready*. 2023. <https://cleanenergycanada.org/report/make-your-condo-ev-ready/>
10. Clean Energy Canada. *Back in the Race*. 2023. <https://cleanenergycanada.org/report/back-in-the-race/>
11. University of Toronto Data Sciences Institute. "DSI-supported research team links EV sales to childhood asthma reduction." 2023. <https://datasciences.utoronto.ca/dsi-supported-research-team-links-ev-sales-to-childhood-asthma-reduction/>
12. University of Toronto News. "Traffic emissions may pollute 1-in-3 Canadian homes." 2022. <https://www.utoronto.ca/news/traffic-emissions-may-pollute-1-3-canadian-homes>