City of Toronto's Bill 98: Commenting Chart

Section of Schedule	Impact Assessment	Level of Support	Recommendation Modifications	Other Comments
Schedule 1 – Building Code Act AND Related Amendments				
1. Building Code Act	• This removes the ability within the Building Code Act for the Minister to set out green building standards for the purposes of a municipal green building by-law (referred to as a "municipal picklist," though never established) passed under section 108.1 of the City of Toronto Act. • This proposed change, together with the proposal to repeal section 108.1 of the City of Toronto Act, removes the framework whereby the Province could establish province-wide regulations respecting green standards, which could be voluntarily adopted by municipalities. Such bylaws were able to be passed only where there are technical standards in the Building Code and those standards are specifically identified for that purpose in the code The Province never developed such technical standards for this purpose.	Do Not Support	Retain the ability for the Minister to set out a municipal picklist, and the ability for the City of Toronto and Ontario municipalities to adopt green building by-laws in accordance with those province-wide technical standards contained in the Ontario Building Code for that purpose. With the removal of the City's authority to require certain green building standards, the Province should strengthen environmental building standards and energy efficiency requirements in the Building Code. Embedding environmental performance standards directly in the Ontario Building Code would provide clarity and consistency for builders and designers while supporting the delivery of cost-effective, energy-efficient housing. These recommendations are consistent with past Council direction to prioritize green building standards in the Ontario Building Code: "City Council reiterate its support for, and request that, the Government of Ontario immediately expedite the transition to the Ontario Building Code of green building standards related to the construction of buildings that are currently administered through the planning process" (2023.IE6.10).	The Ontario Building Code is an appropriate regulatory tool to establish and enforce uniform technical requirements for certain construction standards across the province. With the removal of the authority of the City of Toronto to establish a green roof construction standard (s. 108 of COTA), the Province should continue to develop and implement a supplementary standard for green roofs to provide certainty and clarity for designers, builders, and regulators where green roofs are being voluntarily built. The absence of a provincial standard delays the design and approval process.
2. Building Code Act	• Additional language in the Building Code Act specifies that municipalities would not be able to pass by-laws respecting construction standards for buildings, such as environmental protection or conservation.	Do Not Support	Section 35 of the Act is already clear. This further clarity is not required.	[Left Intentionally Blank]
3. City of Toronto Act	• This repeals the City's authority to pass by-laws respecting environmental protection or conservation in the context of the construction of buildings and environmental standards. • This would remove the City's ability to pass a by-law in the future to voluntarily adopt "green standards" if the technical standards are included in the Ontario Building Code for that purpose. (Similar provisions will be removed from the Municipal Act.) There are currently no provisions identified for this purpose in the Ontario Building Code, though the Province has previously consulted on a supplementary standard for green (vegetated) roofs.	Do Not Support	Refer to recommendations in Part 1	[Left Intentionally Blank]
4. City of Toronto Act	• Removes references to Section 108 of the City of Toronto Act, which was repealed through an Order in Council in 2025. Removes green roofs from elements that can be required on drawings as part of site plan control • Removes reference to the statutory authority for a future by-law passed under Section 108.1 of the City of Toronto Act, relating to environmental standards for the construction of buildings, from the scope of site plan control	Do Not Support	*No Recommendations. Through previous EROs staff have provided input and recommendations in support of the green roof by-laws, most recently through consultation on Bill 60.*	[Left Intentionally Blank]
5.	• This is a further legislative change to the Order in Council 1374/2025 that repealed the City's authority to have a green roof by-law, effective November 3, 2025.	Do Not Support	N/A	N/A

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Modernizing Ontario's Municipal Legislation Act	• This amendment removes the power of the City to require the construction of green roofs or alternative roof surfaces that achieve similar levels of performance to green roofs, and also removes the definition of "green roof" in the City of Toronto Act.			
6. Municipal Act	• This repeals Ontario municipalities' authority to pass by-laws respecting environmental protection or conservation in the context of the construction of buildings and environmental standards.	Do Not Support	N/A	Does not apply to the City of Toronto.
7. Planning Act	[Left Intentionally Blank]	Do Not Support	[Left Intentionally Blank]	[Left Intentionally Blank]
8. Planning Act	[Left Intentionally Blank]	Do Not Support	[Left Intentionally Blank]	[Left Intentionally Blank]
Schedule 2 – City Of Toronto Act				
1.	Refer to comments under Schedule 7.	More Information Needed	Refer to recommendations under Schedule 7.	[Left Intentionally Blank]
2.	Impact to the Toronto Green Standard The Province has identified one of the intents of Bill 98 is to prohibit mandatory green building standards and municipal enhanced development standards that are not specifically required for health or safety. The Planning Act and the Provincial Planning Statement (2024) clearly identify sustainable design, the reduction of greenhouse gas emissions, and ensuring communities are resilient to the impacts of climate change as matters municipalities are required to address through their land use planning decision-making. The Province's stated objective of removing municipalities' authority to require sustainable design measures negatively impacts the City's ability to advance local climate, energy and resilience objectives through new development. Buildings account for over half of Toronto's overall greenhouse gas emissions and reducing emissions in new buildings is a key pillar of TransformTO, Toronto's net zero emissions strategy. The Toronto Green Standard is a key tool to implement this strategy to achieve the City's goal to reduce community-wide greenhouse gas emissions to net zero by 2040. Mandatory energy and emissions targets have saved almost one megatonne of greenhouse gas emissions, and saved homeowners and building operators an estimated $407.6 million in utility cost savings since 2010. Bill 98 would remove the City's ability to require these performance targets and undermine the City's ability to achieve its greenhouse gas emissions reduction objectives under TransformTO. The Toronto Green Standard is a framework that serves to consolidate various municipal development requirements and policies that collectively contribute to sustainable development, but many performance measures within the TGS contribute to matters beyond sustainable design or sustainability and draw their authority from other legislative requirements. Various performance measures also contribute to matters of health, safety, accessibility or the protection of adjoining lands. In the case of bird friendly design, performance measures are required for compliance with federal legislation including the Migratory Birds Convention Act and the Species at Risk Act. Bill 98 may potentially weaken the City's ability to advance Circular Economy outcomes through new development, including waste reduction, design for adaptability, and material reuse objectives that connect to the Circular Economy Road Map and TGS. It could also limit the City's ability to protect the natural environment and biodiversity and strengthen climate resilience, potentially impacting municipalities' ability to address water quality protection and cumulative environmental impacts. It may also result in lower-quality tree and landscape assets being transferred to the City, with higher lifecycle costs and reduced ability to plan and budget for their long-term maintenance. Site Plan Control & Conditions of Approval Changes that would override the City's site plan control by-law (sustainable design) are not supportable. Bill 98 does not identify any limits to matters that may be prescribed through new regulation-making authority. There could be unintended consequences to the use of this authority to be overly prescriptive, as conditions of approval are often used to help move applications forward, potentially impacting the City's ability to approve housing more quickly.	Do Not Support	In carrying out responsibilities under the Planning Act, municipalities must have regard for matters of provincial interest identified in Section 2 of the Planning Act, with further policy direction on these matters provided by the Provincial Planning Statement (2024). Recognizing the clear and specific direction from the Province for planning authorities to promote sustainable development, to reduce greenhouse gas emissions and to build community resilience to climate change impacts through land use planning tools, the City recommends that "sustainable design" be retained within subparagraph 2 v of subsection 114 (5) and subsection 114 (6.1). As recommended in comments under Schedule 7, introducing requirements for parking spaces to be equipped with energized outlets in the Building Code would clarify and standardize requirements Province-wide. Setting the requirement for outlets capable of providing Level 1 charging instead of Level 2 would reduce the cost of these outlets and support the economic viability of EV production in Ontario. As the City recommended in its response to ERO 025-1101, there is opportunity for increased coordination amongst municipalities in Ontario to address concerns about standardization and differing development requirements across jurisdictions through leveraging existing platforms for coordination such as the Regional and Single Tier Planning Leaders of Ontario (RSTPLO).	[Left Intentionally Blank]

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	The City of Toronto is currently undertaking a full comprehensive review of its site plan review process, leveraging previous significant changes made to provincial legislation in recent years. This has involved a significant amount of technical work.		Refer to recommendations under Schedule 1, Part 1. The City continues to encourage the Province to continue on their path to transition certain green standards into the OBC. This approach would standardize green building standards and help to transition development to future Codes. The Province should consider updating its site plan control guide to integrate best practices and avoid the need to introduce future regulations restricting the City's ability to implement conditions of site plan approval. Clear transition should be provided respecting any changes to legislation to avoid delays and impacts, which could result in increased costs to applicants in the development review process.	
3.	N/A	Not Applicable	N/A	[Left Intentionally Blank]
Schedule 4 – Fare Alignment and Seamless Transit Act (NEW ACT)				
1 & 2	While the City supports the Province's objective of advancing fare and service integration in principle, any such efforts should preserve the TTC's authority to set fares and determine service levels. The Subway Program Agreement-in-Principle between the Province and the City, dated September 3, 2024 ("AIP") in consultation with Metrolinx and the TTC, established that the TTC will set fares for the Subway Projects in accordance with the TTC fare policy and structure for the entire network and the proposed legislative changes contravene this principle. These changes could have adverse impacts on TTC operating revenue and costs should it be designated as a prescribed transit system, or prescribed specialist transportation system. As set out in the AIP, the City will be negotiating Operating and Maintenance Agreements for the Subway Projects, where fare revenue is a key consideration. The lack of TTC authority over fare setting and service levels would create uncertainty and risk within these Agreements.	More Information Needed	[Left Intentionally Blank]	[Left Intentionally Blank]
3.	Regulations set under this Act by the Minister of Transportation can override policies set under TTC's current governance model. Risks: • TTC service planning, capital planning and financial planning processes may be impacted if in future the Province chooses to use the legislation. A full assessment would need to be done subject to information being made available. • If fully implemented, could undermine the ability of the TTC to achieve City of Toronto policy objectives related to fares and service levels (if there are conflicts).	More Information Needed	The legislation should clarify that existing agreements with municipalities whose transit systems are prescribed transit systems, would prevail to the extent they conflict or are inconsistent with the legislation. Alternatively, the legislation could add a carveout for non-application to those prescribed transit systems with agreements in place covering fare revenues. In addition, add a dispute resolution process or another mechanism to provide municipal transit systems flexibility to achieve their policy objectives.	A full assessment would need to be done subject to information being made available.
4.	Transit fares make up a significant portion of the TTCs operating revenue. Removing the City/TTC's ability to set fare prices limits the City's ability to determine the appropriate mix of user fees and tax base it uses to fund transit operations. Further, the City enables many policy objectives through its use of fare discount categories and their associated fare prices.	More Information Needed	Although the current One Fare Program agreement includes reimbursing agencies for incurred fare revenue reductions, minus Presto commissions, the proposed legislation	[Left Intentionally Blank]

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Section of Schedule	Impact Assessment	Level of Support	Recommendation Modifications	Other Comments
	If enabled by regulation, a Minister can override TTC Board approved fare policies, including concessions, and ability to set fare prices. The legislation as drafted does not constrain Minister directives to just proposals that support cross-boundary travel and could be applied to override a TTC/City of Toronto policy decision within City boundaries. Risks: • The Minister could override key elements of the TTC existing fare structure which are key to customer experience and the seamless integration of the TTC's multi-modal operations. This includes the flat fare, free two-hour transfer across all modes and the Fair Pass and age-based discounts. Changes to the structure could result in additional operational and capital infrastructure requirements (e.g. fare-by-distance/ new tap-on-tap off requirements). • TTC fare policy is a key lever with farebox revenues being one of the few direct operating funding sources available. There is no mention in the legislation of provincial funding to compensate for impacts to lost fare revenue, or to address additional funding pressures if a Minister directed provincial fare policy results in a net change in operating and capital funding requirements. • Planning of services and annual and long-range financial planning can be destabilized with short notice of changes to fare structure. There is no consultation period contemplated within the legislation. A standard regulation once posted on the registry requires 45-day consultation.		does not include this measure. Provincial funding is required for 100% of net costs associated with Minister directed fare changes. Comprehensive impact assessment required of all fare policy proposals which include benefits and costs to riders regionally and locally; impacts to the transit system operating model, including service and capital requirements, and impacts to labour agreements. Consultation requirement that extends beyond a standard 45-day regulatory period, depending on complexity of proposal with opportunity for customer feedback. Significant complexity has been introduced to the transit fare structure in the region through the misalignment of eligibility requirements for fare discount categories. Standardizing the eligibility requirements while allowing municipalities to set their own fare prices would achieve the goals of a simpler fare system while allowing municipalities to retain the flexibility to determine how to fund their transit operations. Refrain from introduction of in-year policy changes that impact transit systems service and financial planning processes.	
5.	If enabled by regulation, the Minister may determine the TTC must participate in PRESTO or an alternative system as part of a unified fare payment system. The TTC is already compelled to participate in PRESTO as a condition of receiving Provincial Gas Tax Funding. This legislative tool however could impede the fair negotiation of terms and conditions of a fare collection system. Risks: • Eliminates opportunity to pursue alternative technology solutions in market that offer a competitive product or pricing. • A technology solution prescribed may limit available features	More Information Needed	Considerations need to be given to business requirements, ability to deliver and value for money	Please see the April 16, 2026, report to Board on the Fare Collection Update, including the Confidential Attachment. https://secure.toronto.ca/council/agenda-item.do?item=2026.TTC14.7
6.	The Minister may determine the TTC sits within one or several geographic zones within the region for the purpose of applying a different fare structure model. There have been varied proposals historically around fare by distance for example. The TTC can be required to share fare revenue with other agencies in a geographical zone according to regulations set by the Minister. Risks: • Application of multiple zones within the City of Toronto boundary would need to be carefully assessed to determine impacts to existing TTC customers who enjoy a flat based fare structure. Additional infrastructure and associated costs likely required if a tap-on tap off model introduced. • A revenue and cost share formula could be directed to the TTC/City of Toronto that results in revenue loss and has negative impacts on the City subsidy required to maintain TTC standard levels of service. TTC fare revenue is one of the few direct operating funding sources available to the TTC. There is no mention in the legislation of provincial funding to compensate for impacts to lost fare revenue, or to address additional funding pressures from the application of different fare structure models.	More Information Needed	Although the current One Fare Program agreement includes reimbursing agencies for incurred fare revenue reductions, minus Presto commissions, the proposed legislation does not include this measure. Reimbursement for lost revenue and additional funding from the Government of Ontario to support incurred capital and operational costs from changes to the apportionment of fares should be provided for regulations to achieve intended outcomes without disrupting TTC's fiscal environment. The City recommends including clarification on how fares will be apportioned.	The TTC and other cross-border municipalities have been unable to establish a cross-boundary service agreement. Revenue sharing remains as an outstanding issue. The TTC in prior FSI discussions with the Province has taken position that the City of Toronto is established as single fare zone.

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	• The potential requirement for TTC riders or Toronto taxpayers to subsidize the fares of riders on other systems would put additional budget pressure on the TTC.		The City recommends consulting with municipalities and transit agencies on the formula to apportion fares, to inform regulation.	
7.	By regulation, the Minister may override establish existing TTC service standards and establish service requirements including extension of TTC services outside of the City of Toronto. The legislation as drafted does not constrain Minister directives around service standards and requirements to just cross-boundary travel and could be applied more broadly. Risks: • The TTC's operating and capital funding requirements, may face increased pressures to meet directed service standards and provide extended service beyond the City of Toronto if provincial funding is not made available. • Changes to TTC service operations including the extension of service areas and routes can require increased staffing and changes to current provisions in collective agreements. The TTC and ATU 113 previously entered into an agreement with respect to a cross-boundary pilot project which permits other municipalities to provide limited cross-boundary services in the City of Toronto under certain conditions. Notwithstanding the TTC's agreement with ATU 113, the TTC and other cross-border municipalities have been unable to establish a cross-boundary service agreement. Revenue sharing, service standards, and operational routing remain as outstanding issues. • The Province's ability to create new routes and require service outside of municipal boundaries can impact fleet and service plans, and operator requirements. • Dictating service levels may result in inefficient allocation of resources and put additional budget pressure on the TTC. It's unclear how the Province will ensure the proposed legislation will align with previous commitments to the City regarding fare integration. Particularly as agreed in the AIP: • s.9.13 - TTC and Metrolinx will work together to ensure seamless integration of the Projects into existing and planned transit networks. • s.9.15 - The service levels for the Projects will be established in accordance with TTC service standards and applicable agreements to support integration with the TTC network.	More Information Needed	The Province's ability to create new routes and require service outside of municipal boundaries would need to be carefully assessed to determine impacts to fleet and service plans, and operator requirements. Extensive consultation is required to understand local operating environments. It is critical that the Ministry of Transportation relies on local system expertise in any contemplation of a cross-boundary service between two transit systems. Designating a network of cross-border routes with reliable frequent service will promote transit use. Reimbursement of lost revenue and additional funding from the Government of Ontario to support incurred capital and operational costs from service integration would be required for regulations to achieve intended outcomes without disrupting TTC's fiscal environment. The City recommends requiring consent from municipalities for cross-boundary service. The City recommends consulting municipalities on the cost to deliver additional cross-boundary services.	The TTC and the 905 transit systems have previously evaluated opportunities to support cross-boundary pilot services, that would allow for systems to maximize available resources where there is current duplication without compromising service standards (see previous report).
8.	Regions across the GHTA currently use different scheduling systems for specialized transit operations that do not coordinate with one another. The lack of integration between specialized transit services in adjacent municipalities has been a long-standing barrier to cross-boundary trips by people requiring such services. There are potential customer benefits to explore. At present the TTC Wheel Trans uses Hastus on Demand from GIRO as their scheduling/dispatch system which also allows customers the ability to self-manage their trips using the Wheel-Trans Self-booking Website (SBW) and Wheel-Trans mobile app. Risks: • The elimination of TTC Wheels Trans' current trip booking system can conflict with previously committed investments and related agreements. • The adoption of a new trip booking system can present additional operational and capital infrastructure requirements. The legislation does not mention provincial funding to address additional funding pressures for the adoption of a new trip booking system.	More Information Needed	Additional funding from the Government of Ontario to support incurred capital and operational costs from changes to TTC Wheel-Trans booking system would be required to achieve intended outcomes without disrupting TTC's fiscal environment.	[Left Intentionally Blank]
9.	Currently, TTC Wheel-Trans provides services across municipal boundaries up to 1 kilometre and provides regional trips by scheduling rides to transfer points outside of Toronto upon request. In 2025, these transfer trips made up only 0.65% of all Wheel Trans trips.	More Information Needed	Reimbursement of lost revenue and additional funding from the Government of Ontario to support incurred capital and operational costs from changes to Wheel-Trans operations would be required for regulations to achieve	[Left Intentionally Blank]

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	Wheel-Trans relies on contracted taxi services to provide 62 per cent of its service delivery, and taxi service is restricted from operating outside of Toronto. To comply with Section 9 and transport individuals outside municipal boundaries, Wheel-Trans would need to heavily rely upon its bus fleet, which is limited and would require increased capital funding to meet potential demand. If regulated, a change in scope to the service area for Wheel-Trans would require a comprehensive assessment of impact to the service delivery model. The TTC recognizes there are potential benefits for customers who rely on specialized transit. Risks: • Providing Wheels-Trans services to further distances across municipal borders on demand can result in financial costs due to a lack of fare revenue on return trips and increased operational and capital requirements, particularly to address its limited bus fleet. Currently, average bus trips travel 7.6 kilometres and Wheel-Trans bus operations rely heavily on subsidies with a $64.49 subsidy cost per passenger. Extending operations to exceed current distances and resulting financial pressures can lead to increases in subsidies. • Fare revenue loss can also result from not charging additional passengers on Wheel-Trans rides. • Extension of service areas beyond 1 kilometre of municipal boundaries can require increased staffing and introduce new scope to the role of current TTC employees. Collective agreement impacts would need to be evaluated.		intended outcomes without disrupting TTC's fiscal environment. Consultation is necessary and cannot be constrained to a regulatory consultation process of 45 days. A financial, labour and service delivery impact analysis would need to be undertaken, with consideration given to the small percentage of cross boundary trips provided.	
10. – 12.	The TTC may be required to provide confidential information upon request of the Minister. This is a broad authority to require data from the City, and it is unclear for what purpose. This data could include commercially sensitive or confidential information.	More Information Needed	The City recommends clarifying the scope of what data can be requested, how the data will be used or distributed, and the intended purpose of such information.	[Left Intentionally Blank]
13.	By protecting provincial government actors from systems legally seeking damages for revenue lost, the TTC is responsible for incurred compliance costs. Risks: Given the TTC's projected shortfalls in operating funding and significant unfunded capital backlog, costs incurred from regulations under this act could pose serious constraints on TTC's fiscal environment without measures for reimbursement and funding support.	More Information Needed	The reimbursement of lost revenue and funding to support incurred capital and operational costs from compliance would ensure that regulations achieve intended outcomes without disrupting TTC's fiscal environment.	The City may require recourse against another municipality to recover costs. This is also reciprocal in that the City is also immune from such liability to another municipality, the Crown and Mx with respect to the causes of action set out in 13(1).
14.	The legislation if enabled by regulation, would permit local transit systems that are not the TTC to operate in the City of Toronto by overriding Subsection 395 (1) of the City of Toronto Act, 2006. Risks: The operation of other transit systems in the City of Toronto can result in revenue loss for the TTC, taking ridership from the TTC to other systems	More Information Needed	The reimbursement of lost revenue and funding to support incurred capital and operational costs from compliance would ensure that regulations achieve intended outcomes without disrupting TTC's fiscal environment.	[Left Intentionally Blank]
Schedule 5 – Metrolinx Act				
1.	In general, the City does not oppose the objectives of the proposed legislation to streamline municipal reviews of Metrolinx projects. However, we have some concerns and find that there are several practical challenges that would arise if the legislation were to be implemented as currently proposed. The City has identified concerns regarding specific components of the proposed legislation particularly the exemption of sections 41 of the Planning Act and section 114 of COTA from the review process. **Potential Impacts on Site Plan Approval** The proposed legislation may allow projects to proceed without ensuring that key objectives typically addressed through the site plan process and applicable zoning bylaws are considered. Building compliance reviews the building itself in isolation (i.e. analysis is self-contained to the property boundaries) and does not consider existing and future surrounding context.	Partially Support	**Potential Impacts on Site Plan Approval** Site Plan Control is an important element to ensure safety and adequate access for people with disabilities, as well as better respond to the transit context (higher volumes of people near stations). It should continue to be part of the review process for stations. In absence of site plan process, the City of Toronto should have more visibility to Project Agreements and any modifications to it as a	[Left Intentionally Blank]

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	• Site Plan ensures that access to station is adequate, with higher impact to people with disabilities – a health and universal access concern. By securing adequate access points, transit projects would provide shorter pathways to access stations, also resulting in better distribution of pedestrian flows across platforms (by avoiding forcing passengers to walk through entire platform) and shortening distances for people with disabilities to access mini-platforms / accessible car trains. • Site Plan also addresses safety concerns. By providing adequate station access, pedestrian desire lines, vandalism to fences, and unsafe rail crossings are properly addressed. • In addition to safety and universal access, Site Plan also provides context on future growth in the area, therefore, future demand for walking and cycling to the station. That means, additional access points noted in the review process would provide a better value for money for the project, accounting for future needs for station access without having to engage with another consultant, designer, and builder to address demand. Moreover, it also reliefs the reliance on automobile (parking and PUDO demand) at stations. • The site plan process also allows for site-specific review to properly accommodate higher pedestrian volumes in sidewalks that give access to transit station. This helps with operations and safety at stations, as well as better customer experience and does not penalize accessibility needs in these areas. • The site plan process also optimizes the overall design process by providing earlier coordination and resolution for site servicing. By postponing this assessment too close to construction, it will result in inefficiencies and extra costs to projects, as well as construction schedule delays. In addition to the issues outlined above, the City or private developers will have the onus of addressing any zoning noncompliance in their properties adjacent to transit stations, should new projects affect setbacks, driveways, and other matters. **Potential Impacts on the Building Permit Process** It is not clear whether this new process is intended to replace the issuance of a permit under the BCA, whether it is intended to provide an alternative for the review of transit projects (with a building permit under the BCA remaining as an available process), or whether this process could be used as a preliminary review before obtaining a building permit (or whether this process could be used by Metrolinx in any of these scenarios recognizing that the BCA does not apply to Metrolinx as a Crown agent). To the extent that the new process under section 40 could be used by Metrolinx as a preliminary review prior to applying for a building (for example, making application under Section 40 with preliminary drawings to receive comments before making a formal building permit application), having to review two parallel processes for the same building would be cumbersome and onerous for municipalities. **40(1)** The process of notifying the chief building official is identical to the application process for a building permit under the BCA. Since, in practice, Metrolinx does apply for building permits and may continue to apply for building permits, this process will create ambiguity for municipalities as to whether Metrolinx is applying for a building permit under the BCA or intends to follow the proposed process in the Metrolinx Act. The standard application form also requires confirmation of compliance with applicable law as defined in the OBC, which would include those applicable laws which fall outside the scope of the review in Section 40 of the Metrolinx Act. **40(3) & (4)** The described process is largely similar to the review of building permits under the BCA, with some noted differences. Of some concern are that fees and timelines are left to the discretion of the Minister and do not follow the same requirements as in the BCA (see notes for Section 2 for more detail). However, no provision is made for the resubmission of drawings by Metrolinx if deficiencies are identified in the Chief Building Official's report. Does this new process allow for this type of review? If so, there could be confusion caused if the municipality does not release drawings back to Metrolinx outlining what has been reviewed.		means to address some transit-specific matters. Buildings compliance report could also be another means to incorporate a review that includes the surrounding context. **Potential Impacts on the Building Permit Process** If Metrolinx intends to use the procedure in Section 40 in lieu of obtaining building permits, it is recommended that this be clarified in the legislation. Even if it is not the current intent, if the process under the Metrolinx Act were used in addition to making a building permit application, it would be very onerous for municipalities. **40(1)** Prescribing a new form to be used where Metrolinx intends to notify the CBO under 40(1) would alleviate any potential ambiguity. It would also avoid the need to confirm that all applicable law as defined in the OBC has been complied with. **40(3) & (4)** These provisions ought to clarify whether a back-and-forth review process is authorized under this review or whether each revised set of drawings would require that a new notice be provided under s. 40(1). It is also recommended that the proposed legislation clearly outline expectations regarding the level of detail for the review required under 40(3). This will ensure alignment between Metrolinx and municipalities undertaking the required review. The provisions should also make allowance for reviews of parts of a building after notification has been made and documents submitted for the overall building under s. 40(1). Given the importance of Site Plan Approval as outlined in the impact assessment, the City recommends that sections 41 of the Planning Act and section 114 of COTA not be exempted from the review carried out under s. 40(3) (i.e. that they not be included in the exemption in s.40(4). **40(6), (7) & (9)**	

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	00 There are also concerns regarding the level of detail required to be undertaken through this review process. Toronto Building has established service levels pertaining to the review of building permits, which does not include reviewing every detail of the proposed construction. Toronto Building also reasonably relies upon the seal of professional engineers and architects. As this is not a building permit process, Toronto Building may not be able to rely on established service levels, leading to more in depth and time-consuming reviews. Further, there is confusion in that the Chief Building Official is required to review the proposal as if the OBC applied, but yet they are only supposed to identify whether design by a qualified professional would be required under the OBC and comment whether the person who prepared the drawings has the qualifications and insurance that would otherwise be required under the OBC. There is an inconsistency here in that a review under the OBC could only be done if the design were prepared by a qualified professional where mandated by the OBC. This should be further clarified. Based on past experience, Metrolinx may have a need to have reviews conducted only for parts of buildings (shoring, foundations, etc.) in the context of the building as a whole. It is not clear how such reviews would be permitted based on the current wording. This subsection clarifies that a report requested by MX under Section 40 (1) would not assess matters pertaining to zoning (section 34 of the Planning Act), interim control by-laws (section 38), site plan control (sections 41 of the Planning Act and section 114 of COTA), or any other prescribed provision of an Act, regulation, by-law or order. It is unclear whether the OBC compliance report approach is intended to supplant a building permit and exempt a proposal to construct or demolish a building associated with a MX transit project from zoning and SPA, or whether this is an advance review meant to streamline the building permit process. **40(6) & (7)** It is not clear whether the request for inspection is intended to be tied to the review carried out under s. 40(3) and particularly to the drawings reviewed at that time. It is not feasible for building inspectors to conduct inspections required under the OBC, unless they are provided with a set of drawings that were previously vetted by the municipality for compliance with the OBC. Many areas of OBC compliance are difficult and impractical to determine on site. This is why building inspectors rely upon an approved set of drawings to conduct inspections required under the BCA. The legislation, as drafted, does not require the inspection request to be tied to a review of drawings by the municipality. Even if the intention is to link the inspection request to a review under s. 40(3), it is quite conceivable that the drawings will have significantly changed by the time an inspection request is made (and the municipality would not be in possession of those drawings). If it is intended that the inspection request be tied to the review carried out under s. 40(3), the proposed updates to the Metrolinx Act require only that municipalities provide a compliance report assessing whether the BCA or OBC are contravened. There is no requirement for Metrolinx to resolve OBC deficiencies, nor is explicit allowance made for municipalities to issue approved plans to Metrolinx that have been fully vetted for OBC compliance. Without approved and vetted drawings available to inspectors, they could not reasonably carry out the inspections required under the OBC. Doing so greatly increases the likelihood of overlooked deficiencies. **40(8)** It appears the intent of this subsection is to exempt municipalities from the requirement to conduct inspections where Metrolinx has neglected to have the inspections of any previous stages conducted. However, the wording is somewhat unclear as it only references whether Metrolinx gave notice for the immediately preceding stage rather than any of the preceding stages. **40(9)** It is similarly unclear whether the notification for occupancy is intended to be tied to the review under s. 40(3) and/or to inspections requested under s. 40(6). Similar to the comments for 40(6) and 40(7), an inspector would not be in a position to comment on whether a building complies with section 11 of the BCA without having access to an approved set of drawings vetted by the municipality. Not having access to such drawings greatly increases the risk of OBC deficiencies being missed.		If there is a desire for municipalities to carry out inspections, the legislation should be updated to require the following: 1. Metrolinx must address all deficiencies identified through the process outlined in s.40(3) to the satisfaction of the municipality. 2. In addition to the report identified in s.40(3), municipalities must issue an approved set of plans to Metrolinx after all deficiencies have been resolved. 3. Metrolinx must construct the building in accordance with the plans approved by the municipality. 4. Metrolinx must address any deficiencies noted during inspections to the satisfaction of the municipality. 5. Metrolinx must call for an inspection at each mandatory stage of construction prescribed by the OBC. If Metrolinx does not follow the outlined process, it is our opinion that there is little value in undertaking the proposed inspection process. In addition, it is recommended that occupancy inspections under 40(9) be subject to Metrolinx having made notification for all required inspection stages. **40(8)** It is recommended to revise this subsection to exempt municipalities from the requirement to carry out inspections if Metrolinx fails to give notice for any of the preceding stages. In other words, it is recommended that the provision be revised to read that no inspections will be carried out by the municipality unless Metrolinx provides notice to inspect at each mandatory stage of construction set out in the OBC. **40(12)** It is recommended that subsection 40(12) be removed from the proposed legislation.	

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Section of Schedule	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**	**Other Comments**
	Furthermore, it is unclear whether occupancy inspections under s. 40(9) are subject to the exception under s.40(8). Municipalities could not reasonably give an opinion on occupancy requirements where the inspection of previous stages were missed. **40(11) and (12)** While subsections 40(11) and 51(1) are acting to limit liability for municipalities under Section 40, the exception under 40(12) potentially opens municipalities to significant liability. Subsection 40(12) is inconsistent on its face with subsection 40(11) which is intended to establish immunity for any alleged neglect. Nevertheless, negligence is a tort that would fall within s. 40(12), and most claims are ultimately negligence claims.			
2.	Toronto Building has concerns with some of the proposed regulations as outlined below. **42(1)(n)** Unlike the BCA, the proposed legislation does not delegate authority to municipalities to set their own fees for carrying out the duties required under Section 40. Instead, it is left to the Minister of Transportation to make regulations requiring payment of fees and prescribing the amount of fees. Given that the costs to different municipalities to carry out this work may vary significantly, there is a concern that prescribed fees may not cover the costs to carry out the required work in a municipality like Toronto. **42(o) & (s)** Municipalities have structured their staffing levels to accommodate the legislative review and inspection timelines specified in the BCA and OBC. Altering the timelines for reviews and inspections conducted under the Metrolinx Act could create challenges for municipalities.	Partially Support	**42(1)(n)** It is recommended that the legislation be updated to allow each municipality to pass by-laws respecting the payment of fees and the amount of fees for the work required under Section 40. The amount of fees would not exceed the costs that the municipality would reasonably expect to incur, similar to the BCA. This will ensure each municipality is sufficiently compensated for the work, considering that costs differ from municipality to municipality. **42(o)** It is recommended that the timelines for reviews and inspections under the Metrolinx Act should be the same as required under the BCA and OBC.	[Left Intentionally Blank]
3.	We understand this would limit liability for Toronto Building in carrying out its duties as required under the proposed Section 40 of the Metrolinx Act. The only concern is the inclusion of s. 40(12) which appears inconsistent with this intention.	Support	[Left Intentionally Blank]	[Left Intentionally Blank]
Schedule 7 – Planning Act				
1.	[Left Intentionally Blank]	Not Applicable		[Left Intentionally Blank]
2. (1) and 3.	This part of Bill 98 proposes sweeping changes to Official Plans by setting out a new Official Plan framework that the City, all other municipalities and planning boards, would be required to use. The new Official Plan framework sets out both the table contents and the menu of standardized land use designations that the City's Official Plan must use. Importantly, the standardized land use designations include a list of land uses (i.e. residential, commercial, industrial, recreational, etc.) that "shall be authorized". Combined, these changes mark a significant departure from the current system where municipalities and planning boards have broad flexibility to devise their Official Plans in a manner that suit their local needs. **Impact of embedding Official Plan framework and Land Use designations in legislation** Embedding the framework and Land Use designation in legislation may result in an increase of planning uncertainty, which could run counter to the goals of creating more housing by creating delay. For example, Land Use designations and what they comprise of will more readily be considered questions of law for judicial determination rather than policy. These decisions are more likely to have cross-jurisdictional implications creating a more unpredictable planning framework for all municipalities and planning boards.	Partially Support	1. Do not include the Official Plan Framework and Land Use Designations in Legislation. Instead use existing policy tools to implement a standardized framework. 2. Provide clear parameters for written directions and clarify whether written directions continue to be applicable after the new Official Plan has been brought into effect. 3. Work with the City and other municipalities to identify key transitional issues and find legislative or regulatory solutions to resolve these issues.	[Left Intentionally Blank]

City of Toronto's Bill 98: Commenting Chart

Section of Schedule	Impact Assessment	Level of Support	Recommendation Modifications	Other Comments
	The City, like many larger municipalities, have complex needs and unique planning histories that their Official Plans have responded to over time. Land Use designations and other Official Plan policies have evolved over time to adequately addresses planning matters such as ensuring compatibility of uses, the protection of environmental sensitive areas, and the creation of compatible infill development in Apartment Neighbourhoods. **Written Directions are too Ambiguous** Proposed subsection 16 (2) provides the Minister with the power to issue "written directions" that municipalities would need to comply with as it relates to the chapters, section, schedules and land use designations that Official Plans must use. There are no parameters for the "written directions" which creates some planning uncertainty. More concerningly, it is not clear from a plain reading of this subsection whether all planning decisions must conform to these written directions even after an Official Plan is compliant with the new framework and, if that is the case, whether all planning authorities (including the Ontario Land Tribunal) must make planning decisions that conform to the written directions. As these written directions would likely have significant implications for the development of a new Official Plan, there should be public transparency. **Transitional Issues** Proposed subsections 16.01 (1) – (3) set out the transition provisions for the former and new Official Plan framework. However, there are a number of transitional issues that are not dealt with in this subsection, including: • Once a new Official Plan is submitted and awaiting Ministerial approval, what would happen to site-specific OPAs that are for development applications (i.e. land use map changes)? These should be transitioned to avoid losing entitlements. • What happens to ongoing litigation at the OLT on potential OPAs that are resolved after submitting to the Minister or after the new OPA is in-effect? • What happens to existing Secondary Plans and SASPs?			
2. (2)	**Climate change** This change removes the requirement for climate related "goals, objectives and actions" within the text of an official plan. This represents a watering down of Provincial legislative support for climate action by municipalities. This may reduce the focus given to robust approaches to addressing climate change within official plan policies, including Site and Area Specific Policies and Official Plan Amendments.	Do Not Support	**Climate Change** The City opposes the Bill's repeal of Subsection 16(14) of the Planning Act, found in Schedule 7(2) of Bill 98. This change would remove the explicit requirement for municipalities to develop local policies that identify goals, objectives and actions related to climate actions.	[Left Intentionally Blank]
2. (3) and (4)	*No Comments*	Support	*No Recommendations*	[Left Intentionally Blank]
4.	[Left Intentionally Blank]	Not Applicable	[Left Intentionally Blank]	[Left Intentionally Blank]
5.	[Left Intentionally Blank]	Not Applicable	[Left Intentionally Blank]	[Left Intentionally Blank]
6.	[Left Intentionally Blank]	Not Applicable	[Left Intentionally Blank]	[Left Intentionally Blank]
7. (1) and (2)	[Left Intentionally Blank]	Do Not Support	The City acknowledges that there is a cost to equipping parking spaces with energized outlets. These outlets are a necessary but not sufficient condition for equipping parking spaces with electric vehicle supply equipment (EVSE). Including these outlets as part of new construction can be done at significantly lower cost than retrofitting them later and increase the cost of construction of a parking space by a relatively small amount. Significant investments have been made by the federal and provincial governments to support the	[Left Intentionally Blank]

City of Toronto's Bill 98: Commenting Chart				
Section of Schedule	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**	**Other Comments**
			transition of the vehicle fleet to electricity. The requirement for energized outlets aligns with these investments and supports the transition to an electric vehicle fleet. *Recommended modification:* Introducing requirements for parking spaces to be equipped with energized outlets in the Building Code would clarify and standardize requirements Province-wide. Setting the requirement for outlets capable of providing Level 1 charging instead of Level 2 would reduce the cost of these outlets.	
7. (3)	The City supports the Province's objectives of encouraging gentle density, increasing housing supply, broadening housing options and facilitating home ownership to address affordability, and recognizes that reduced minimum lot sizes is one means of achieving this. As currently drafted, the Bill 98 provisions that would regulate minimum lot sizes in zoning by-laws would apply to all parcels of urban residential land. It is noted that the *Planning Act* definition of "parcel of urban residential land" captures all urban properties that permit residential uses, including areas that are intended for denser, large-scale intensification where only larger apartment buildings or mixed-use buildings are permitted. Within Toronto this would include lands designated *Apartment Neighbourhoods* and *Mixed Use Areas*, as well as brownfield redevelopment sites with site-specific performance standards developed through detailed planning exercises. As written, the proposed regulation would effectively prohibit zoning performance standards for minimum lot frontage for these types of development, which often have more complex access and circulation requirements that benefit from a wider frontage.	Partially Support	*Recommended Modification:* If the Province proceeds with the proposal to legislate minimum lot sizes, it is recommended that its application be limited to only lower-density residential zones and building types.	[Left Intentionally Blank]
8. (5)	[Left Intentionally Blank]	Do Not Support	See recommendation on 7. (1) and (2) above.	[Left Intentionally Blank]
9.	*See Other ERO Submission dated May 5, 2026*	Not Applicable	*See Other ERO Submission dated May 5, 2026*	[Left Intentionally Blank]
10.	*See Other ERO Submission dated May 5, 2026*	Not Applicable	*See Other ERO Submission dated May 5, 2026*	[Left Intentionally Blank]
11.	[Left Intentionally Blank]	Neutral	[Left Intentionally Blank]	[Left Intentionally Blank]
12.	[Left Intentionally Blank]	Neutral	[Left Intentionally Blank]	[Left Intentionally Blank]
13.	[Left Intentionally Blank]	Not Applicable	[Left Intentionally Blank]	[Left Intentionally Blank]
14.	**Schedule 1 General Comments** 1. It is not clear whether the Province will be able to act quickly should municipalities and planning boards find deficiencies in the framework once conformity work beings. 2. It is not clear whether the framework has regard to all matters of provincial interests listed in section 2 of the Act and accounts for all policy matters in the Provincial Planning Statement 2024. 3. There is no Chapters/Sections for: Secondary Plan and Site and Area Specific Policies	Partially Support	1. Do not include the Official Plan Framework and Land Use Designations in Legislation. Instead use existing policy tools to implement a standardized framework. 2. Clearly identify where Secondary Plans and Site and Area Specific Policies may be included within this framework. 3. Framework should be broad and flexible enough to address all planning matters, including but not limited to: built form, public art, and public realm.	[Left Intentionally Blank]
	Chapter Comments: 1. Chapter 1 "Introduction and How to Use this Plan" should allow sufficient flexibility for municipalities to define their vision, priorities and principles of their Official Plan in a format that is responsive to local conditions.	Partially Support	**Chapter Recommendations:** 1. Amend what Chapter 1 is comprised of to provide greater flexibility. For example: "A chapter numbered 1 and entitled, "Introduction and How to Use this Plan" that is comprised of one or more sections that provides information on the purpose and structure of the official plan, and that	[Left Intentionally Blank]

City of Toronto's Bill 98: Commenting Chart				
Section of Schedule	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**	**Other Comments**
			may provide information on the vision, priorities, and principles of the official plan." This change will help ensure Official Plans remain standardized and responsive to local conditions. 2. Make "Land Use Designations" its own Chapter so there is an opportunity to include a description of the goals and objectives.	
	Section Comments: 1. The "Indigenous Engagement" section appears to only permits content that "… identifies the processes through which Indigenous communities will be engaged in implementing the official plan" potential limiting the scope of type of policies and content include in this section. 2. The "Energy Conservation" section does not seem to adequately address PPS Section 2.9 ("Energy Conservation, Air Quality and Climate Change") potentially limiting the scope of policies that could help address climate adaptation and resiliency.	Partially Support	**Section Recommendations:** 1. Explicitly allow additional content in the "Indigenous Engagement" section, such as: (1) information about Indigenous Communities that have historical connections to the area to which the official plan applies, (2) information about treaties that exist in or near the area to which the official plan applies, (3) policies related to matters in PPS policy 6.2.2. 2. Explicitly expand policies applicable to section 9.6 "Energy Conservation" to more closely align with PPS Section 2.9 by, for example, allowing for policies dealing with climate adaptation and resilience.	[Left Intentionally Blank]
	Schedules Comments: 1. There is no Schedule for an Inclusionary Zoning Map and a Site Plan Control Map 2. There is no ability to include lists in any of the schedules (currently the Official Plan identifies the planned Right-of-Way Width of Minor Streets and Planned Unbuilt Roads as a List)	Partially Support	**Schedules Recommendations:** 1. Include a Schedule for Inclusionary Zoning Map and Site Plan Control Map 2. Allow for both maps and lists for each Schedule	[Left Intentionally Blank]
	Land Use Designations Comments: 1. There is legislative ambiguity regarding certain terms that creates implementation risk, such as: "sensitive land uses", "adverse effect", and "small-scale" 2. The creation of discrete but seemingly overlapping land uses (i.e., "industrial uses", "manufacturing uses", and "warehousing uses") adds to implementation risks and is likely to result in different municipalities taking different approaches to regulating land uses. 3. Unclear what the purpose of including both a "Major Facilities" and "Employment Areas" land use designation is. In the City of Toronto, context Core Employment Areas are where the majority of industrial Major Facilities (as per the PPS 2024) are located. This land use designation has been used successfully to ensure land use compatibility conflicts are avoided or mitigated. 4. "Major Facilities" designation creates a risk that "specified person(s)" with ECAs or registered on the Environmental Activity and Sector Registry would lose appeals rights (on the basis of a land use compatibility issue) if the lands are designated as "Major Facilities". This category of "specified person(s)" only have appeal rights if they are located within an "area of employment".	Partially Support	**Land Use Designations Comments:** 1. Ambiguity should be avoided. 2. Authorized uses in each land use designation should be easily interpretable and clearly distinct. 3. (1) Either entirely remove the designation OR focus and rename the land use designation to Infrastructure Uses (see Utility Corridors in Official Plan), and (2) add "Industrial uses" and "Infrastructure uses" to the definition of "area of employment". 4. If Major Facilities land use designation is to be maintained, then ensure that the aforementioned "specified person(s)" maintain their appeal rights and apply same protections and appeal rules afforded to "Areas of Employment".	• Standardizing Land Use Designations may result in delays and uncertainty due to increased litigation.
	Implementation Comments: 1. There are a number of potential transitional issues that need to be further considered before the transition date (January 1, 2028) to avoid uncertainty that could lead to costly delays that would work counter to the goals of building homes and generating jobs.	Not Applicable	**Implementation Recommendations:** 1. Provide a clear framework governing transitional matters well in advance of the transition date that addresses new and	[Left Intentionally Blank]

City of Toronto's Bill 98: Commenting Chart				
Section of Schedule	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**	**Other Comments**
	2. As municipalities draft new Official Plans based on the New Official Plan Framework, gaps in the framework may be identified that would need legislative amendments based on the current drafting of Bill 98 (i.e., a new Chapter, Section or Schedule). 3. The City's Zoning By-laws will need to be substantively updated to implement the New Official Plan Framework and appeals create the risk of delaying full implementation of the New Framework.		ongoing OLT appeals, new and in-progress development applications, timeline for ministerial review of Official Plan Amendments etc. Note: All stakeholders (municipalities, developers, investors) require confidence and certainty in order for development to proceed in a timely manner. 2. Provide the Minister with the authority to prescribe other Chapters, Sections, and Schedules to more quickly address unanticipated gaps in the New Framework. 3. Provide shelter from appeals for a comprehensive zoning by-law to implement and conform with the New Official Plan Framework in accordance with subsection 22 (9). (Note: The City is still dealing with appeals from the passing of Zoning By-law 569-2013).	
15.	[Left Intentionally Blank]	Not Applicable	[Left Intentionally Blank]	[Left Intentionally Blank]

END OF BILL 98: COMMENTING CHART