



Ministry of Municipal Affairs and Housing
Provincial Planning Branch
13th Floor, 777 Bay Street
Toronto, ON
M7A 2J3
Canada

May 13, 2026

Re: Climate Action Council Response to **ERO 026-0300, Proposed prohibition on Mandatory Municipal Enhanced Development Standards and Green Building Standards, and ERO 026-0309, Proposed Regulation to Prohibit Mandatory Enhanced Development Standards as a Condition of Land Division Approvals**

The Climate Action Council (CAC) is a network of over 42 municipalities and health units from across the Greater Toronto, Hamilton and Southern Ontario Area who work collaboratively on the development and implementation of clean air and climate change mitigation and adaptation actions.¹ Climate Action Partnership, a charitable organization whose mandate is to advance climate action ambition and implementation serves as the facilitator for the CAC. Please see below for consensus input from the CAC to the Province to once again ask the province to engage with Ontario municipalities and support their ability to advance the decarbonization and resilience of Ontario new developments to reduce greenhouse gas emissions, energy costs, increase resilience to extreme weather impacts and reduce the need for future costly retrofits for Ontarians.

The Climate Action Council has previously provided detailed input to the Province of Ontario through ERO consultations related to Bill 23, Bill 17 and Bill 60, urging the Province to respect municipal site planning authority and to clearly enable municipalities to adopt mandatory green development standards. These standards are essential to driving uptake of sustainability metrics that improve community resilience to extreme weather, protect energy affordability, and reduce greenhouse gas emissions in new

¹ Municipal staff representatives on the Clean Air Council were consulted in the preparation of this submission to reflect the feedback of member municipalities, but a direct endorsement of this submission by municipal councils was not sought due to time constraints, and several municipalities are preparing their own independent submissions. CAC representatives are the municipal change agents within leading climate action municipalities and have been working collaboratively across the region for the last 15 years to support and enable progress on clean air and climate change actions. The consultations undertaken were facilitated and endorsed by the Clean Air Partnership, a charitable environmental organization that serves as the secretariat for the Clean Air Council.

developments. Municipal green standards have been used to address well-documented gaps in provincial requirements where action is demonstrably in the public interest.

Despite this input, it appears the Province insists on advancing legislation that would limit municipal authority to manage growth in the public interest. Bill 98 eliminates municipal green standard authority and will greatly undermine or eliminate local ability to drive uptake of sustainability outcomes. Bill 98 undermines municipalities' ability to protect energy affordability, public health, and climate objectives, limiting municipalities' ability to protect Ontarians from higher future energy bills, climate impacts, and costly retrofits. The proposed restrictions on municipal green development standards risk setting progress toward high-performing, climate-resilient buildings back a decade. These changes are unlikely to meaningfully accelerate housing delivery and may instead leave residents in inefficient homes with higher long-term utility costs.

Previous Commitments from Provincial Government to Work with Ontario Municipalities to Advance a Green Standard By-law and the Inconsistency Across Municipal GDS has Been Greatly Exaggerated

Further, Bill 98 is contrary to commitments made by Minister Clarke when he was Minister of Municipal Affairs and Housing to work with municipalities on advancing a provincial green standards by-law. The Province has also failed to finalize the Ontario Low Impact Development Guidelines, which have remained in draft form for over a decade despite repeated provincial commitments. Over the past 15 years, more than 14 Ontario municipalities have implemented Green Development Standards (GDS) to fill that gap and establish clear, practical targets for new developments that reduce stormwater risk, lower energy use, and cut carbon emissions. Most of these municipalities have aligned with Toronto Green Standard Version 3 or 4, resulting in substantial consistency across metrics and requirements. This regional alignment has provided predictability and certainty for builders, reduced long-term energy demand and costs, and supported Ontario's transition toward electrification and a low-carbon energy system.

Metrics Do Not Conflict with the Ontario Building Code

Importantly, Green Development Standards do not conflict with the Ontario Building Code (OBC). The OBC prescribes a set of minimum provisions that address a broad range of issues, mainly respecting the safety of buildings with reference to fire protection and structural safety. GDS are not prescriptive construction rules. Rather, they are an outcome-based policy tool that sets design expectations to help manage

sustainable growth in the community, while still allowing developers and designers the flexibility to determine how to best achieve the desired sustainability outcomes.

In practice, they have also improved planning efficiency rather than hindered it. Municipalities such as Toronto, Pickering, and Brampton have reported faster development approvals following the introduction or update of their GDS, while municipalities without GDS, including Ottawa, have experienced longer approval timelines. The evidence shows that GDS do not slow down housing delivery. Instead, they support housing delivery that is both timely and responsible.

Municipalities also undertake extensive stakeholder engagement when developing GDS, including consultations with the development industry and other affected stakeholders. Input received through these processes is documented and considered through transparent, public council decision-making.

The CAC once again recommends that municipalities should retain their authority to advance mandatory Green Development Standards.

Ontario Needs a Tiered Building Code Aligned with National Standards

If the Province chooses to disregard the extensive input it has received from municipalities and stakeholders regarding the erosion of municipal GDS and planning authorities, it must ensure that Ontario advances a tiered Ontario Building Code to avoid falling further behind other jurisdictions. Advancing a tiered code would directly address the Province's stated rationale for limiting municipal green standards—namely, inconsistency across municipal requirements.

The Climate Action Council network has consistently advocated for Ontario to adopt the tiered energy performance framework included in the National Model Building Codes and to continue increasing minimum energy efficiency requirements. This approach allows the development sector to build capacity over time and remain competitive. Ontario was once a North American leader in building energy efficiency, but a decade without substantive improvements to the Ontario Building Code has eroded that leadership. This lack of progress is a key reason municipalities have relied on green development standards to fill policy gaps.

Ontario municipalities are eager to work collaboratively with the Province to advance housing affordability while delivering the net-zero-carbon buildings required to meet climate commitments. While concerns are often raised that stronger energy efficiency and decarbonization measures may increase housing costs, these concerns highlight the importance of gradual, predictable improvements to Building Code requirements.

Delaying action only increases future retrofit costs, which are significantly higher than incorporating efficiency measures at the time of construction—the most cost-effective stage to improve building performance, particularly the building envelope.

A tiered Building Code provides clarity and predictability to the development sector by clearly signalling how minimum performance requirements will evolve over time. The Climate Action Council network recognizes that province wide standards must account for Ontario’s diverse geography, markets, and capacity, requiring conservative minimum requirements. Municipal authority to require performance beyond provincial minimums either through GDS or a tiered provincial code allows municipalities to serve as innovation testbeds, advancing market readiness at a manageable scale. Successful municipal approaches can then inform future Ontario Building Code updates, building broader capacity with lower cost and risk.

A comparable approach is already in place in British Columbia through the BC Step Code, which enables municipalities to work with the development industry to adopt higher performance tiers. This model has strengthened market capacity and improved consistency across municipal energy and emissions requirements, outcomes that the development community has consistently identified as beneficial.

Voluntary Metrics Have Not Secured Uptake — Provincial Incentives Are Required

If the Province removes municipal authority to require mandatory Green Development Standards despite repeated municipal and stakeholder input, it must introduce provincial incentives and capacity building measures to drive uptake in a voluntary market. Ontario municipalities generally lack the financial resources to offer meaningful incentives and have therefore relied on regulatory tools to achieve necessary uptake.

In nearly all municipalities with GDS programs, standards were initially voluntary and made mandatory only after voluntary approaches failed to deliver sufficient participation. The ability to mandate GDS is therefore central to their effectiveness.

If the Province chooses to limit municipal authority to mandate green standards, it bears responsibility for ensuring alternative mechanisms are in place. Provincial new-construction incentives would be necessary to secure at least partial uptake of voluntary performance metrics and to prevent Ontario from falling further behind peer jurisdictions in building market capacity for energy efficiency and climate resilience in Ontario’s building sector.

Removing Legislative Direction on Climate Policy Weakens Clarity and Accountability

The Climate Action Council questions the rationale for describing the requirement to include climate change policies in Official Plans as “redundant.” Eliminating this requirement will increase inconsistency in whether, and to what extent, municipalities account for climate change in land-use, infrastructure, and development decisions. This directly contradicts the Province’s stated rationale for limiting municipal green development standards in the name of increased consistency. Many municipalities have declared a climate emergency and set greenhouse gas reduction targets, making the Official Plan a critical tool for achieving those commitments.

Although municipalities may still be able to address climate change within the provincially prescribed Official Plan structure, removing explicit legislative direction significantly weakens clarity and accountability. This creates greater variability across Ontario in how climate change is addressed, undermining coordinated mitigation and adaptation efforts across municipalities.

Removing this requirement also undermines the intent of current Planning Act provisions that integrate climate considerations into development decisions. It weakens municipal progress toward reducing greenhouse gas emissions, building resilience, and supporting Ontario’s broader climate and energy transition. Rather than improving consistency, the Province is eliminating a clear expectation and reducing accountability. These proposed changes may create consistency only through omission, by aligning municipalities with the Province’s lack of clear climate direction. Such an approach represents an absence of leadership and would result in uniform failure to address climate commitments, preparedness, and the impacts of development and energy use on Ontarians.

Official Plans also build institutional capacity within municipalities by supporting climate literacy across planning staff, municipal departments, and councils. Because they require public consultation, they also serve as an important tool for community education, helping residents understand local climate risks and how municipal actions align with provincial and federal commitments.

For these reasons, the Climate Action Council recommends that the Province retain the requirement for Official Plans to include goals, objectives, and policies to mitigate greenhouse gas emissions and adapt to a changing climate. However, municipalities’ ability to do so is constrained by the Province’s retreat from its own climate



commitments, particularly the removal of municipal green development authorities without providing a replacement, such as a Tiered Code.

Minister's Zoning Orders

Changes are proposed to the Planning Act that would remove the legislative requirement for the Minister to provide notice on proposed amendments to or revocations of Minister's Zoning Orders (MZOs).

If the Province continues to use MZOs to alter local planning decisions, it should at a minimum ensure transparency in how those decisions are made. Weakening transparency requirements undermines public trust in Ontario's democratic processes and risks long-term erosion of confidence in government.

The CAC appreciates the opportunity to provide input and would be keen to engage more with the Ministry to answer any questions and provide more information related to this submission. The CAC can be engaged by reaching out to Dhiyandra Faizal at dfaizal@climateactionpartnership.ca.

Sincerely,

Dhiyandra Faizal

Buildings Decarbonization Coordinator
Climate Action Partnership