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May 14, 2026

Ministry of Municipal Affairs and Housing
Province of Ontario

SENT VIA ERO POSTING

RE: City of Hamilton Comments on ERO 26-0300 Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026)

Attached, please find City of Hamilton staff comments in response to the above noted ERO posting. Hamilton Planning Committee and City Council will be reviewing these comments at their June 16, 2026, and June 24, 2026, meetings.

Hamilton City Council may choose to amend or add to the enclosed comments which would be provided in a subsequent letter.

Should you have questions or comments, please contact myself or Steve Burke, Manager, Sustainable Communities Section, at (905) 546-2424 Ext. 5863 or by email at Steve.Burke@hamilton.ca.

Regards,

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Planning and Economic Development Department
City of Hamilton

Enclosed.

ERO 26-0300: Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026)

The following table provides the opportunity to comment on **ERO 26-0300** and the proposed changes to the Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026).

ERO 26-0300: Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026)

Description	**Comments**
SCHEDULE 1 BUILDING CODE ACT, 1992 The Schedule amends the *Building Code Act, 1992* and makes related amendments to a number of other Acts. Here are some of the highlights: 1. The *Building Code Act, 1992* is amended to clarify that standards for the protection or conservation of the environment are included in the meaning of municipal by-laws respecting the construction or demolition of buildings for the purposes of section 35 of the Act. 2. The *City of Toronto Act, 2006* and the *Planning Act* are amended to clarify that standards for the protection or conservation of the environment are included in the meaning of manner of construction	No comments. Staff recognize that the manner of construction and standards for construction are not subject to site plan control and that the Province has directed that Green Building Standards that go above and beyond the Building Code are not to be required by municipalities. However, the protection and conservation of the environment are fundamental goals of land use planning and relate to matters that are subject to site plan control such as building placement, drainage, and waste facilities.

Description	**Comments**
and standards for construction for the purposes of matters not subject to site plan control. 3. Section 97.1 of the *Municipal Act, 2001* and section 108.1 of the *City of Toronto Act, 2006*, which relate to by-laws respecting the protection and conservation of the environment, are repealed.	
SCHEDULE 2 CITY OF TORONTO ACT, 2006 The Schedule amends the *City of Toronto Act, 2006*. Various amendments are made to section 114, among other things to remove references to "sustainable design", to provide that the City cannot require an owner of land to provide electric vehicle supply equipment in connection with off-street vehicular parking facilities and to prevent the City, despite subsection (11) of that section, from imposing requirements related to prescribed matters.	No comments. Not applicable to the City of Hamilton.
SCHEDULE 3 DEVELOPMENT CHARGES ACT, 1997 The Schedule amends the *Development Charges Act, 1997*.	Subject of Report FCS26032 presented at the City of Hamilton's Audit, Finance and Administration Committee meeting on May 7, 2026.

Description	**Comments**
New section 4.5 provides that non-profit retirement home developments are exempt from development charges. The Schedule also makes a small number of technical amendments to correct errors in cross-references.	
SCHEDULE 4 FARE ALIGNMENT AND SEAMLESS TRANSIT ACT, 2026 The Schedule enacts the *Fare Alignment and Seamless Transit Act, 2026*. The major elements are set out below. The Minister of Transportation is given the power to make regulations establishing a fare structure for transit systems that are prescribed by the regulations made under the Act. These regulations may set fare prices, establish discount policies, establish transfer policies, and address other related matters. Prescribed transit systems are also required to participate in a unified fare payment system approved by the Minister.	**Transit Support Services** Transit shares a continuous border with Burlington. Trips coming from Burlington represent 1.1% of all system trips. Shared trips with GO Transit represent 3.7%. The majority of HSR users travel within the Hamilton boundary. Adjusting fares to a common level may negatively impact those who utilize the HSR system. Lower fares do not generate additional ridership. Improved service frequency and reliability will go further to get people out of their cars. **Accessible Transportation Services** HSR currently provides specialized transit trips into Burlington as required under AODA Reg. 191/11, namely, to provide transfers at Aldershot GO, Joseph Brant Hospital, and Burlington GO. Some exceptional trips are provided ‘on the way’ to one of these transfer locations. Niagara Transit generally travels into Winona as a transfer point with HSR’s system; during COVID, accessible transportation services provided service to Grimsby for vaccinations.

Description	**Comments**
The Minister may prescribe geographic zones. Transit systems that are designated in relation to that zone must apportion fares among the other systems designated in relation to that zone in accordance with the regulations. The Minister may also make regulations designating new and existing routes as priority routes, prescribing service standards for those routes, and establishing related service integration requirements. Prescribed specialized transit systems that provide services designed to transport persons with disabilities must participate in a unified trip booking system approved by the Minister. These transit systems must also provide transportation to persons with disabilities to a prescribed distance outside of their primary service area. Sections 10 to 12 set out various obligations relating to the provision of information and data to the Minister and Metrolinx. Section 13 extinguishes various causes of action related to the provisions of this Act. Section 16 establishes various regulation-making powers for the Minister and for the Lieutenant Governor in Council.	Requests for travel to Brantford and Milton have been denied as no transfer points exist and there is no continuous urban boundary in place. HSR already provides specialized transit trips beyond the urban transit boundary, to the edge of Hamilton city limits, which exceeds AODA requirements. Under the proposed legislation, the City may be required to facilitate more trips to other municipalities to areas where the municipalities themselves are not providing service, including Brantford, Milton, or Niagara. This will lead to cost pressures on the City of Hamilton with no identified funding mechanisms to help recover the portion of travel outside the City of Hamilton. **Transit Strategic Planning** In addition to removing fare-setting authority from local municipalities, the bill as proposed allows the Province to designate new and existing routes as priority routes with prescribed service levels and inter-regional routing. Combined, these remove the main levers transit authorities / municipalities have to manage demand and cost pressures on transit systems. Regional travel is the purview of Metrolinx, who operates GO Bus, GO Train, and UP Express services. Shifting responsibility to deliver cross-boundary service to local transit authorities is an effective downloading of costs and responsibilities from the province.

Description	**Comments**
	It is unclear how a transit agency would be compelled to service designated routes if funding or resources are not available. Would transit agencies be required to shift resources from non-designated routes or will funding be provided to deliver designated service? Adequate operating funding must be provided for prescribed systems that are required to deliver service. Should a transit agency not service a prescribed geographic zone, priority routes, or integrated service, would their status as a prescribed transit agency be at risk? Designated routes may or may not align with the City's existing plans (HSR Next). Characteristics of the routes and the process to designate them are not defined, introducing risk that transit resources are allocated away from high-demand, equity-focused, or municipal priority corridors to serve regional / provincial priorities. It is unclear how prescribed geographic zones will be designed or what processes may guide their adjustment over time as the region grows. Geographic zones that split existing municipal service areas may lead to higher fares for some intra-municipal travel, depending on the fare model contemplated.
SCHEDULE 5 METROLINX ACT, 2006 The Schedule amends the *Metrolinx Act, 2006* to create a new process under which Metrolinx may notify a chief building official of a proposal to	No comment.

Description	**Comments**
construct or demolish a building associated with a provincial transit project. The new section 40 sets out requirements respecting the submission of forms and information and the preparation of a report by the chief building official. The section also provides rules respecting inspections and opinions on occupancy and provides immunity for certain persons, including the chief building inspector, when executing their powers and duties in good faith. A related extinguishment of a cause of action and regulation of making powers is added.	
SCHEDULE 6 MUNICIPAL ACT, 2001 The Schedule repeals and remakes section 93 of the *Municipal Act, 2001*. New subsection 93 (1) of the Act provides that no person shall construct, maintain or operate a water or sewage public utility without first applying for and obtaining the consent of the municipality. Under new subsection 93 (2) of the Act, a municipality that receives an application may provide consent to the application. However, if a regulation is made under section 93 of the Act prescribing criteria or conditions, the municipality shall provide consent to the applicant as required	Staff comments on this amendment are provided through the City's submission on ERO 26-0301 - Proposed amendments to the *Water and Wastewater Public Corporations Act, 2025* and consequential amendment to the *Safe Drinking Water Act, 2002*.

Description	**Comments**
by clause 93 (2) (b) of the Act. Where a municipality provides consent under clause 93 (2) (b) of the Act, subsections 93 (3) and (4) apply. New subsection 93 (5) of the Act provides regulation-making authority to the Lieutenant Governor in Council.	
SCHEDULE 7 PLANNING ACT The Schedule makes various amendments to the *Planning Act*. Here are some highlights:	
1. Amendments are made to provide that the County of Simcoe can become an upper-tier municipality without planning responsibilities in relation to lands in different lower-tier municipalities at different times. Related amendments are made to section 70.13 of the Act.	Not applicable to the City of Hamilton.
2. Various amendments are made to section 16 of the Planning Act, including the following:	
2 i. Subsections 16 (1) and (2) of the Act are repealed and replaced with new provisions addressing the contents of an official plan. New section 16.0.1 sets out the transition from the former official plan framework to the new official plan framework.	Hamilton City Council approved detailed staff level comments on ERO 025-1099 – Consultation on Simplifying and Standardizing Official Plans which can be found here. The following staff level comments build upon these previous comments and specifically identify where Hamilton staff have

Description	Comments
	additional comments or seek clarification on the Official Plan standardization framework proposed in Bill 98. Staff continue to recommend the Province create guidelines rather than prescriptive legislative requirements on what can and cannot be included as part of an Official Plan. As stated in previous comments, guidelines provide flexibility for a local planning authority to work with residents and the private sector to develop new and innovative policy solutions to address land use planning issues – including the testing of new housing forms. To enable land use policy innovation and collaboration, staff recommend that the Province modify Bill 98 to clarify that the prescribed list of land use designations is not exhaustive and that the legislation enable municipalities to establish additional land use designations where adequate justification has been provided to the Ministry as part of a Section 26 Official Plan review. Further to this, staff recommend that Secondary Plans are permitted to contain additional, finer-grain, land use designations than what is listed in Bill 98 to better achieve the land use vision for specific geographic areas providing greater certainty to both the development industry and residents on future development. It is not clear whether large, single-tier, municipalities like Hamilton can continue to have more than one Official Plan under this framework. Staff recommend that flexibility be provided for geographically large and diverse municipalities like Hamilton,

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	which has successfully adopted and implemented both an Urban and Rural Hamilton Official Plan for over 10 years. The proposed standardized Official Plan designations include a list of uses that 'must be authorized'. Staff recommend that clarity be provided on the difference between an 'authorized use' and a 'permitted use' in a land use designation. This is a key distinction. While a range of uses may be authorized in a land use designation, the development of that use may not be supported in specific locations because it conflicts with other policies in the Provincial Planning Statement. For example, within the Rural Lands designation, while a resource-based recreation use (e.g. golf course) may be authorized, it will not be appropriate for every property within a rural area and must be reviewed against the applicable natural heritage policies. In addition, the land use designation must consider the cumulative impacts of authorized non-agricultural uses like residential and small-scale commercial. Staff are supportive of the inclusion of a transition period in Bill 98 that allows municipalities to continue work on new Official Plans and Official Plan reviews to continue under the previous framework. However, the transition provision (16.0.1 (2)) in Bill 98 establishing the timing of transition to the new Official Plan framework is unclear. Specifically, the legislation should clarify: • Whether the new Official Plan framework applies to the first or second Section 26 Official Plan approval after the transition date. Meaning, do planning authorities have one last Section 26 Official Plan approval where the former Official Plan

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	framework applies after the transition date? The way the legislation reads it can be interpreted that this approval is the trigger after which the new Official Plan framework will apply to all subsequent Section 26 Official Plan approvals. • Is the approval under this provision referring to approval of the Official Plan or Official Plan Amendment by a municipal council or by the Ministry of Municipal Affairs and Housing? Building on previous City comments on the framework, staff recommend that the Ministry be available to collaborate with municipalities on their Official Plan review workplans under the proposed framework and be enabled to provide confirmation (in writing) whether specific phases of Official Plan reviews will be subject to the previous or future framework. Should the Official Plan framework be approved as drafted in Bill 98, Hamilton staff strongly encourage the Ministry to produce additional guidelines on how to interpret the legislation and undertake new Official Plans or Official Plan reviews under the PPS. This includes additional guidance on early engagement with Indigenous Communities.
ii. Subsection 16 (14) of the Act is repealed so that an official plan is no longer required to contain goals, objectives and actions to mitigate greenhouse gas emissions and to provide for adaptation to a changing climate.	Staff strongly oppose repealing Section 16(14) of the *Planning Act* to no longer require an Official Plan to contain goals, objectives and actions to mitigate greenhouse gas emissions and to provide for adaptation to a changing climate. The City of Hamilton has declared a Climate Emergency and is committed to undertaking

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	work to mitigate and adapt to climate change and its impacts. Preparing for the impacts of a changing climate is imperative in ensuring public safety and reducing hazards in the event of extreme weather. Reference has been made to the 'redundancy' of these requirements as justification for their removal. However, these are not redundant requirements – they are necessary requirements that support a municipality's ability to plan for climate resilient neighbourhoods that are safer and healthier spaces for people to live, work and play. As the impacts of climate change become more intense, it is essential that we plan our local communities with climate as a core consideration. Building up on the comment above, there is a lack of clarity on what the Provincial intent is with repealing Section 16(14) of the *Planning Act* when section 2.9 of the Provincial Planning Statement states planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate. Section 16(14) of the *Planning Act* and the Provincial Planning Statement are currently aligned, and the proposed amendment would send mixed signals on what planning authorities are required to include in their Official Plans with respect to planning for a changing climate.

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iii. Subsection 16 (18) of the Act is amended and subsection 16 (18.1) of the Act is repealed to change the circumstances in which an order under subsection 17 (9) of the Act does not apply to an official plan amendment related to a protected major transit station area.	It is staff's understanding that this proposed change is to clarify that any amendments to the boundaries of Protected Major Transit Station Areas requires approval from the Province. Note that the Province previously amended the *Planning Act* through Bill 60 in 2025 which removed a requirement that amendments to property specific minimum densities in Protected Major Transit Stations require their approval. Based on this understanding, staff are supportive of this amendment which helps clarify what amendments to Protected Major Transit Station Areas do and do not require Provincial approval.
3. New subsection 34 (1.1.1) is added to provide that a zoning by-law cannot require the owner or occupant of a building or structure to provide and maintain electric vehicle supply equipment in connection with parking facilities. A related amendment is made to section 41 of the Act.	This proposed change would negate the City's ability to maintain minimum parking standards for electric vehicle parking for residential and non-residential uses which were introduced in 2024. Placing this restriction on zoning by-laws will impede progress on the City's Climate Action Strategy to cut greenhouse gas emissions and build a more resilient community. Many municipalities have or are in the process of introducing electric vehicle parking requirements, reflecting the Federal Government's commitment to emission reductions, their own municipal commitment to reducing greenhouse gas emissions, and market trends towards increased electric vehicle ownership. Establishing minimum electric vehicle parking requirements also takes a longer view of cost and the end user as it is significantly less costly to provide electric vehicle infrastructure at initial

Description	**Comments**
	construction than through future retrofits. Finally, reduced dependency on fossil fuels presents long-term benefits that extend beyond climate considerations. Staff respectfully request that the Province reconsider this proposed amendment and maintain municipal authority to establish electric vehicle parking standards in zoning by-laws supported by local policy frameworks and council direction.
4. Subsection 34 (3.1) is re-enacted and new subsections 34 (3.2) and (3.3) are added to limit the ability of zoning by-laws to require the minimum area of a parcel of urban residential land that is not in the Greenbelt Area to be greater than the prescribed area and to regulate minimum lot frontage or minimum depth of a parcel in such a way as to require the parcel to be greater than the prescribed area.	The City of Hamilton previously provided comment on minimum lot size through Bill 60 – *Fighting Delays, Building Faster Act, 2025*. Small lot fabric increases constraints, inadequate on-site drainage due to lack of landscaped area, insufficient space for site access and maintenance, and reduced functionality of the site and built form. In addition, where larger minimum lot size requirements are in place, these requirements may reflect the servicing that is available (e.g., no stormwater infrastructure). There are matters of local context that should be considered. Further, if minimum lot sizes cannot be tied to dwelling type, there is considerable potential for overbuilding lots and the negative spillover effects of such. The City contends that changes to the *Planning Act*, Section 35.1 (1) regarding additional residential unit permissions on urban residential lands are by far the greatest factor in increasing housing options and promoting intensification in low density residential neighbourhoods. Additional comments are provided through **ERO Posting 026-0311.** Minimum lot sizes exist to ensure adequate site drainage can be maintained, and maintenance and access on a lot is possible. Lots

Description	**Comments**
	shall be large enough to accommodate swales, grading, SWM, etc. Depending on location, lot sizes may need to be larger. For example, in the City of Hamilton, the minimum lot width and lot area requirements of the Low Density Residential – Large Lot (R2) Zone are in place as many of these lots are in areas where stormwater infrastructure is not in place and adequate space is required to ensure on-site drainage can occur. A 'one size fits all' minimum lot size does not recognize these location specific requirements. Further, staff question the appropriateness of the proposed 175 sq m minimum lot size and the ability for adequate setbacks to be provided that will accommodate sufficient rear yard amenity space, drainage swales, rear yard catch basins and a driveway, while still allowing for a sufficiently sized building envelope. Staff suggest that further consideration be given to these impacts prior to establishing a minimum lot size to ensure unintended negative consequences do not occur. In addition, staff recommend that the wording of the legislation be revised to provide clarity. Specifically: - It is unclear how "maximum" would be calculated for a "prescribed area". Would it be one number, connected to uses or connected to zones? - Do existing parcels become non-conforming when zones are updated to a "prescribed area"? - Does this separate lot sizes from built form where built forms may be built in an area not suited for that lot?

Description	**Comments**
5. Amendments are made to section 41 of the Act to remove references to “sustainable design”. A new subsection 41 (9.3) is also added to prevent municipalities from imposing requirements related to prescribed matters. Related amendments are made to section 47 of the Act.	The proposed changes would limit the ability of municipalities to adopt and enforce mandatory green development standards through the planning process. Local governments play a critical role in advancing climate resilience, energy efficiency, and sustainable community design. Mandatory green development standards are an important tool that municipalities use to implement locally adopted climate strategies, reduce long-term infrastructure costs, and ensure new development contributes to provincial and municipal environmental objectives. Municipalities are best positioned to understand local conditions, infrastructure capacity, and community priorities. Removing or restricting this authority would reduce local flexibility and undermine efforts already underway across Ontario to address climate change, manage growth responsibly, support healthier Ontarians, and build more sustainable communities. Staff respectfully request that the Province reconsider these proposed amendments and maintain municipal authority to establish mandatory green development standards, where supported by local policy frameworks and council direction. Recent MECP guidelines (2022) and City of Hamilton Green Standards & Guidelines (GSG) (2024)) have been prepared expanding on the stormwater management direction initially presented in MOE (2003) and reiterated by the MOECC Interpretation Bulletin (Feb 2015) that the: o “Ministry expects that stormwater management plans will employ lot level and conveyance controls otherwise known as

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	Low Impact Development (LID) in order to maintain the natural hydrologic cycle to the greatest extent possible"; o "The ministry's existing acts, regulations, policies and guidelines emphasize the need for this approach to stormwater management"; o "As a result of climate change, stormwater management facilities constructed today will be expected to perform under climate conditions that may be significantly different than the recent past"; and, o "LID systems can mitigate impacts from increased precipitation by increasing infiltration, reducing runoff volumes and delaying the runoff peak". Considering the foregoing it is important that municipalities be encouraged to develop and implement lot level stormwater management practices that contribute to climate change adaptation/mitigation and improve neighbourhood health and safety. Clarity is required as to what constitutes an 'enhanced development standard' that can no longer be required through site plan / land division. Further, the posting indicates that enhanced development standards at the lot level outside of buildings (e.g. green development standards) cannot be applied as a condition, unless specifically required for 'health and safety' (e.g. stormwater management). It is not clear what would constitute a health and safety requirement and if, for example, LID practices for the management of stormwater could therefore still be required as mandatory. Municipalities must be able to maintain the right to

Description	**Comments**
	control discharge rates, water balance, and the quality of discharge to the system; there should be no ambiguity about what enhanced development standards includes nor what health and safety means. Staff acknowledge that there is a range of LID practices that can be utilized to manage stormwater. For example, to meet the MECP design criteria for water balance requirements identified in the CLI-ECA Appendix A- Stormwater Management Criteria**,** a form of LID technique must be utilized. The Province should clarify that LID practices can be required as a mandatory requirement through site plan control / land division if it is needed to meet the MECP criteria, but any additional LID practices beyond those required to meet the criteria cannot be identified as a mandatory requirement by the municipality. If the Province does not intend for the municipality to maintain the ability to require LID practices to meet the design criteria for water balance requirements identified in the MECP CLI-ECA Appendix A - Stormwater Management Criteria, the Province should update Appendix A to revise the criteria. With respect to the City's Green Standards & Guidelines (GSG), it is noted that the GSG will remain an important tool to encourage LID and sustainable design techniques even if the *Planning Act* changes are implemented. If not required under Site Plan Control, developers will be strongly encouraged to implement the GSG standards in their development applications to receive incentives such as stormwater rate rebates.

Description	**Comments**
	Staff also seek clarity on how will “necessary” be determined in proposed section 41(4)(e) of the *Planning Act?*
6. Various amendments are made to section 42 of the Act, including for the following purposes: i. To broaden the authority of municipalities to require agreements when they accept certain lands identified by the owner of the lands for park or other public recreational purposes. ii. To ensure the validity of easements intended to allow land to be used for parks or other public recreational purposes. iii. To enable an owner who has not received notice of a refusal to accept the conveyance of the identified lands within 90 days to appeal to the Ontario Land Tribunal. iv. To provide a rule for how certain lands are counted towards any requirement set out in a by-law under the section when ordered by the Tribunal to be conveyed to the municipality.	The proposed changes -especially 2.i and 2.iii – make possible situations where lands within a municipality could be awarded different as-of-right development parameters. There appear to be possible scenarios where more dense development would be allowed “as of right”. This creates a difficult and potentially expensive problem for municipalities such as Hamilton. Sewer and water infrastructure takes time for planning and construction. It also has a very long design life measured in many decades, with that life being potentially doubled with the advent of structural sewer lining technologies. The proposed changes in Schedule 7 put the City in a situation where watermains and sewers that have been sized based on planning and development projections may need to be replaced with larger-capacity infrastructure well short of their design life. The City also has some sewers and watermains that are operating at capacity. New development that results in demand that exceeds existing limits would increase risks of flooding issues in sewers and water quality and minimum service level issues for watermains. The City opposes any items within Schedule 7 that allow new as-of-right development options that exceed the existing allowable population densities of those lands as it will or is likely to:

Description	Comments
	• Result in significant and unplanned costs to upgrade sewers before the end of their useful life. • Increase flooding and damage risks associated with increased and unplanned sewer use. • Increase health and safety risks to the community due to water demand outstripping supply. **Parkland** The proposed changes will require updates to the Parkland Dedication By-law to identify that encumbered lands and POPS will be counted toward parkland dedication at a 70% credit rate, provided the lands meet the criteria to be prescribed through regulation (see **ERO Posting 026-0312**). The changes (combined with the proposed regulatory changes in **ERO 026-0312**) provide clarity as to how municipalities can evaluate encumbered lands and POPs as appropriate parklands. Procedures will need to be put in place as part of application review to ensure the lands are evaluated prior to draft plan approval so it is known if they will be counted toward parkland requirements to provide appropriate notice (see below). Further, staff note that allowing encumbered lands and / or POPs lands to be counted toward parkland dedication requirements could result in parkland that is insufficient in terms of size or programming needs. Staff recognize there could be a benefit to allowing such lands to be counted toward parkland in constrained areas but suggest that the use of encumbered lands and POPs as

Description	Comments
	parkland should be limited to intensification / infill areas and not greenfield sites. The changes also provide for the City's ability to require agreements / easements for when such lands are proposed for parkland. Additional details are required to provide full comments. Staff note potential concerns regarding liability and insurance requirements with POPs, particularly with condominium corporations. These concerns would need to be dealt with through the required agreements. Staff note that process and notice changes will be required to implement these new requirements. A new Notice will be required to identify that the land is or is not being accepted as park, and which must be provided within 20 days of a decision (Council). Staff from different Divisions (e.g. Planning and Growth Management) will need to coordinate to ensure that this Notice is provided at the appropriate time and that all required information is available in a timely manner. As per the related legislation change, if notice is not provided in 90 days, an owner can appeal. These changes could result in an increase in appeals with potential impact on staff time and resources. **Corporate Real Estate Comment:** Proposed changes to the *Planning Act* to require municipalities to multiply the area of any encumbered lands and/or non-fee lands identified for parkland dedication by a factor of 0.70 or more has the potential to overstate the utility of the land for park or public recreational purposes. For appraisal purposes, encumbered lands

Description	**Comments**
	or lesser interests (e.g. privately owned public spaces) are often discounted by 25 - 75% depending on how the encumbrance impacts the utility of the land. By setting a maximum discount of 30% (i.e. giving parkland credit of the area dedicated x 0.70) in the *Planning Act*, municipalities are not given the ability to adequately vary the parkland credit based on the quality or utility of the land. This is likely to result in the municipality being required to accept deficient land as parkland dedication on an increasing basis. This will further diminish the amount of cash-in-lieu of parkland dedication collected which will negatively impact the municipality's ability to acquire land identified in its Master Plan(s).
SCHEDULE 8 SAFE DRINKING WATER ACT, 2002 The Schedule amends the *Safe Drinking Water Act, 2002*. The definition of municipal drinking water system in subsection 2 (1) of the Act is amended to include a drinking water system owned by a corporation designated as a water and wastewater public corporation. New subsections 53 (5.1) and (5.2) of the Act provide for deemed consent under that section.	Refer to comments on ERO posting 026-0302.
SCHEDULE 9 WATER AND WASTEWATER PUBLIC CORPORATIONS ACT, 2025 The Schedule makes various amendments to the *Water and Wastewater Public Corporations Act,*	Refer to comments on ERO posting 026-0302.

Description	**Comments**
2025. Some of the major elements of the Schedule are described below. Section 9 is amended to provide that the shares of a water and wastewater public corporation can only be issued to a municipality, the Province of Ontario, the Government of Canada or an agent of any of them, and that the shareholders of a water and wastewater public corporation can only sell or transfer the shares of the corporation to those persons. A new section 9.1 prohibits a water and wastewater public corporation from transferring part or all an asset used to provide water and sewage services unless the board of directors of the corporation has declared, by resolution, that the asset is no longer needed for the purpose of providing those services. Amendments are made to section 10 to ensure that a transfer by-law shall not transfer liabilities, rights or obligations arising under certain debt-related financial instruments or agreements and to specify the legal effect of a transfer under a transfer by-law. A new section 10.1 sets out rules about the continuity of employment for employees who are	

Description	**Comments**
transferred to a water and wastewater public corporation under a transfer by-law. New subsection 20 (6) authorizes the Minister to make regulations specifying the legal effect of a transfer under a transfer by law or of the transfer bylaw itself, including their effect on existing rights or obligations. New subsection 20 (7) authorizes the Minister to make regulations requiring specified parties to enter into agreements or to modify, terminate, extend or suspend any agreements. The Minister is also authorized to make regulations modifying, terminating, extending or suspending any agreements.	