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Ministry of Municipal Affairs and Housing
Planning and Housing Policy Branch
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RE: Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes ([ERO 026-0300](#))

On behalf of the City of Toronto, we are pleased to submit the City's comments and recommendations regarding the proposed legislative changes to the *Planning Act*, *Building Code Act*, *Metrolinx Act*, *City of Toronto Act* and the proposed enactment of the *Fare Alignment and Seamless Transit Act* through the *Building Homes and Improving Transportation Infrastructure Act, 2026* (Bill 98). While this Environmental Registry of Ontario (ERO) posting does not deal with the *Metrolinx Act* and *Fare Alignment and Seamless Transit Act* the City is nonetheless providing comments and recommendations through this submission as there are no ERO or Ontario Regulatory Registry postings for these matters. It is noted that Bill 98 passed third reading on May 14, 2026, the same day as the deadline for comments through the Environmental Registry of Ontario. These comments and recommendations are being submitted to ensure that the City's position regarding these changes is known, and that future legislative and regulatory changes can address our recommendations.

This cover letter provides an overview of the City's comments on planning, transit and related matters in Bill 98, which were also identified in the City's Bill 98 submission to the Standing Committee on Heritage, Infrastructure and Cultural Policy. . The enclosed attachment contains the City's full comments and recommendations on the proposed legislative changes to the *Planning Act*, *Building Code Act*, *Metrolinx Act*, *City of Toronto Act*, and the proposed enactment of the *Fare Alignment and Seamless Transit Act*. Please note that the City has submitted a separate written submission under this ERO that exclusively deals with the parkland dedication components of Bill 98.

In addition, the City has provided written submissions to several other EROs that have direct implications for Bill 98, including:

- [Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act | Environmental Registry of Ontario](#)
- [Consultation on upper-tier official plans, secondary plans, and site and area-specific policies | Environmental Registry of Ontario](#)
- [Proposed Regulation to Prohibit Mandatory Enhanced Development Standards as a Condition of Land Division Approvals](#)

The City welcomes the opportunity for further discussions with MMAH staff on our comments and recommendations, and how we can meet the goals of facilitating development in support of complete, inclusive and sustainable communities

1. Standardization of Official Plans

Bill 98 is proposing significant changes to Official Plans by setting out a new Official Plan framework that all municipalities and planning boards are mandated to use. The new Official Plan framework sets out both the table of contents for Official Plans and the menu of standardized land use designations that Official Plans can use for land use planning. Importantly, the standardized land use designations include a list of land uses (i.e. residential, commercial, industrial, recreational, etc.) that “shall be authorized”.

The City **supports the overall intent** of standardizing Official Plans. If the Province intends to move forward with this change, the City recommends the following:

- the Province should re-evaluate the necessity to implement the new framework through legislation, and consider other avenues such as a policy statement or guidance material, to reduce the risk of potential unintended consequences such as increased interpretive litigation before the courts, a greater shift toward statutory interpretation over substantive land use planning considerations, and greater uncertainty and delay arising from competing legal interpretations of legislated requirements.;
- the Province should work collaboratively with municipalities and planning boards to fine tune the framework as implementation challenges will inevitably arise;
- provide greater clarity regarding certain new concepts and terms to mitigate conformity risk;
- ensure that a high level of land use planning policy certainty is maintained during the transition from the former framework to the new framework, by providing clear transition guidelines for in-process planning applications, to avoid impacting the pace of development, especially housing development; and
- shelter from appeal any zoning by-law amendment to conform with the new framework to ensure timely implementation of the new framework.

2. Amendments that may Negatively Affect Green Building and Development Standards

Green development standards implement Official Plan policies and help achieve key planning objectives. They provide clear and predictable direction to developers, help to streamline application review, and reduce additional costs to developers, owners and tenants, and taxpayers. The proposed changes within Bill 98, including the removal of “sustainable design” from the scope of site plan control in both the *City of Toronto Act* and

the *Planning Act* and the proposed restrictions on environmental standards, would limit municipalities’ ability to address local climate objectives and protect local biodiversity. The City is **not supportive** of these proposed changes.

The planning process is a key avenue to address the climate and biodiversity crises. This is reflected in the clear direction provided by the *Planning Act* and the Provincial Planning Statement (2024) for planning authorities to promote sustainable development, reduce greenhouse gas emissions and build community resilience to climate change impacts.

These changes will significantly risk the following City and Provincial planning objectives:

- Continuing to save almost one megatonne of greenhouse gas emissions over 16 years as a result of building performance targets
- City’s ability to achieve its net zero objectives and Ontario’s ability to meet its greenhouse gas emission reduction targets
- Municipalities’ ability to support indoor thermal comfort and help keep vulnerable residents safe during heat waves Municipalities’ ability to address other matters related to climate resilience and the protection of the natural environment

Predictability and Efficiency

The Toronto Green Standard (TGS) is a one-window tool used within the planning application process. Since 2010, the TGS has implemented the City’s obligations under provincial legislation and policy to address such matters as the protection of public health and safety, the protection of natural areas, the supply, efficient use and conservation of energy and water, and increasing community resilience. Green standards:

- Establish predictable, performance-based requirements
- Streamline planning review through standardized measures
- Are regularly updated to reflect current industry feedback and Provincial policy direction

Costs and Economic Competitiveness

Green Standards help to reduce costs for the development industry, residents and municipalities. Green development standards provide an opportunity for municipalities to clearly identify the most beneficial measures up front, helping developers make more cost-effective early design decisions while ensuring municipalities can effectively plan for and manage infrastructure and servicing. These standards:

- Reduce delays in review and uncertainty for builders

- Enable municipalities to better plan and manage infrastructure capacity
- Avoid deferred costs, including costs associated with post-construction retrofits

Without these tools:

- Municipal capital costs and infrastructure pressures may increase
- Capacity limitations could result in development delays

Green building standards also support Ontario’s economic competitiveness.

Investors increasingly assess climate risk, insurance exposure, and long-term operating costs when making investment decisions.

- Ontario municipalities will be in a better position to attract and keep investors with proactive green building standards in place that address climate risk mitigation
- Addressing risk at the construction stage is more cost-effective than retrofitting later
- Electrification and energy efficiency reduce reliance on imported natural gas, supporting Ontario’s energy security

Ontario Building Code and Standardization Opportunities

The City **encourages the Province to retain the authority** for the City of Toronto and other municipalities, under section 108.1 of the *City of Toronto Act* (and similar sections under the *Municipal Act*), to adopt a green building by-law where Province-wide technical standards are set out in the Ontario Building Code for that purpose.

- 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.
- The City and MMAH worked in collaboration in 2023 to develop an approach to implement this framework and standardize green development standards within the Ontario Building Code. The City is still open to completing this work in partnership with MMAH to help achieve the Province’s goal of creating standardized, consistent and predictable building requirements across Ontario while supporting jobs in renewable energy and the building industry.
- As the City recommended in our [response](#) to ERO 025-1101, there is also 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).

3. Amendments to *Metrolinx Act*

The City is **partially supportive** of Bill 98’s proposed amendments to the *Metrolinx Act* which would establish a new building code review process for the construction or demolition of provincial transit buildings intended to accelerate the review of transit projects. While the City supports efforts to improve approval efficiencies for priority transit

projects, several gaps in the proposed legislation have been identified that may create challenges for both Metrolinx and the City. Key issues include:

- Excluding Site Plan Control as part of the review process. If Metrolinx does not voluntarily participate in Site Plan Control, the City could lose the ability to coordinate local permits and approvals and to ensure overall integration of transit buildings and stations with existing and planned surrounding development.
- Potentially limiting the ability of the City to recover the full costs of review and inspection, which could have adverse financial impacts for the City.
- Not requiring Metrolinx to address building code deficiencies identified by the City during the review process, while simultaneously obligating the City to conduct building inspections during construction. This increases the risk of code violations not being identified and resolved during inspections, increasing liability risk for the City.

4. Fare Alignment and Seamless Transit Act

Advancing fare and service integration through the *Fare Alignment and Seamless Transit Act* has the potential to increase transit ridership, make transit trips more seamless, and save transit users money by simplifying the existing regional and local transit systems. While the City is **supportive of fare and service integration in principle**, additional details are required regarding the specific elements and approaches proposed before the City can understand the full financial, operational and end-user implications. In particular:

- Proposals to integrate service and fares can result in significant pressures on TTC's operating and capital budgets, and in turn pressures on the City's budgets, due to potential fare revenue loss and additional expenditures associated with extended service beyond municipal boundaries. The City requests the Province ensure full provincial funding for provincial mandates implemented under *the Fare Alignment and Seamless Transit Act*, recognizing the substantial ongoing financial pressures faced by municipalities.
- The proposals may also create challenges with existing labour and other agreements. Meaningful consultation with local municipalities prior to the introduction of any regulation under the Act is essential to navigate these complications.
- The initiative should not constrain municipalities' abilities to deliver transit service and programs which are responsive to their community's needs. This includes programs like the Fair Pass Program, a key initiative of the City's Poverty Reduction Strategy, which reduces barriers to mobility for low-income residents by offering discounted transit fares and passes.

Contact

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact Corwin Cambray, Director, Strategic Initiatives, Policy & Analysis Section (Corwin.Cambray@toronto.ca).

Sincerely,



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cc. Oren Tamir, Interim Executive Director, Development Review

Attachment: City of Toronto's Bill 98 Commenting Chart