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**VIA ERO NO. 026-0300 COMMENT PAGE ONLINE (PDF UPLOAD)**

(<https://ero.ontario.ca/notice/026-0300> and  
<https://ero.ontario.ca/notice/026-0309>)

Ministry of Municipal Affairs and Housing  
Provincial Planning Branch  
13<sup>th</sup> Floor, 777 Bay Street  
Toronto, ON  
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**Re: Comments for the 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*)**

- **ERO numbers: 026-0300 and 026-0309**
- **Ministry of Municipal Affairs and Housing**

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We represent Tridel Builders Inc. (the “**Tridel**”), the owners of numerous properties in the City of Toronto and the Greater Toronto and Hamilton Area.

**Background**

Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026* (“**Bill 98**”) was introduced on March 30, 2026 and as of the date of this letter is currently at Second Reading at the Standing Committee on Heritage, Infrastructure, and Cultural Policy. Bill 98 was posted to the Environmental Registry of Ontario (ERO) on March 30, 2026 for consultation, and the comment deadline is May 14, 2026.

Among the changes in Bill 98, there are changes proposed to the *Planning Act, Municipal Act, 2001, Building Code Act, 1992*, and *City of Toronto Act, 2006* that would have the effect of removing municipal authority to require certain mandatory Enhanced Development Standards (e.g., green development and building standards) that are not specifically required for health or safety (e.g., stormwater management) including, but not limited to, as part of site plan approval. Further, Bill 98 would provide even greater clarity that green building/construction standards are voluntary and cannot be imposed by municipalities.

Bill 98 also proposes changes that would create regulation-making authority for the Minister of Municipal Affairs and Housing under the *Planning Act* and the *City of Toronto Act, 2006*, which could be used to explicitly prohibit municipalities from requiring specific Enhanced Development

Standard elements as part of a site plan approval, if required. Additional changes related to EDS are proposed under [ERO #026-0309](#). The proposed regulation would prohibit mandatory enhanced development standards as a condition of land division approvals.

**Comments for ERO numbers: 026-0300 and 026-0309**

Our client generally supports the proposed legislative amendments to eliminate a municipality's ability to impose and/or mandate any requirements for sustainable design and/or green development and building standards as they impose significant costs on a development project making in some cases projects financially unviable and in all cases unnecessarily driving up the cost of housing.

However, there is a gap in the proposed legislation which needs to be corrected prior to the Provincial legislature's adoption of the Bill 98 legislative amendments. Specifically, there should be provisions in the relevant Acts which make it clear that any sustainable design requirements that are in existing municipal by-laws and/or site plan approvals/agreements are no longer in force and effect and the municipality can no longer require a developer and/or landowner to comply with these requirements. This would allow there to be a level playing field for all projects and allow more projects to benefit from these legislative changes and proceed to development. This would be similar to what the Province did with Bill 185 when it removed requirements for parking facilities for lands within Protected Major Transit Station Areas and within certain other areas surrounding and including an existing or planned higher order transit station or stop as set out in subsections 34(1.1) and (1.2) of the *Planning Act*.

Further, a similar amendment needs to be made to the proposed regulation to prohibit mandatory enhanced development standards as a condition of land division approvals (ERO No. 026-0309).

Thank you for your consideration of these comments. If you have any questions regarding the above, please do not hesitate to contact me at 416.645.4572 or via email at [jpark@ksllp.ca](mailto:jpark@ksllp.ca)

Yours truly,

**KAGAN SHASTRI DeMELO WINER PARK LLP**



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cc: Client