

City of Markham Comments on Bill 98, *Building Homes and Improving Transportation Infrastructure Act, 2026*

Item #	ERO/ORR #	Title of ERO/ORR Post	Staff Comments	Recommendations to Proposed Legislative Changes
1	ERO 026-0300	Proposed <i>Planning Act, City of Toronto Act, 2006, Building Code Act, 1992, and Municipal Act, 2001</i> , Changes (Schedules 1, 2, and 7 of Bill 98, the <i>Building Homes and Improving Transportation Infrastructure Act, 2026</i>)	<p>Official Plan Structure and Contents – Staff prefer that the proposed standardization of official plans with prescribed requirements in the <i>Planning Act</i> not be included in the Bill and alternatively recommend the province issue guidance to municipalities to support consistency and streamlining. Municipalities should have flexibility to structure official plans to address local land use planning, housing and growth management priorities consistent with provincial policy.</p> <p>The following revisions are recommended if the provisions prescribing the proposed standardization of official plans are retained in the Bill:</p> <ul style="list-style-type: none"> • Section 9(vii) of Schedule 1, “Contents of an Official Plan,” in Schedule 7 of Bill 98 should be revised to include energy efficiency, in addition to energy conservation, to align with the Provincial Planning Statement’s direction that municipalities plan to reduce greenhouse gas emissions through approaches addressing both energy conservation and efficiency. • Section 11(vii) of Schedule 1, “Contents of an Official Plan,” in Schedule 7 of Bill 98 should be revised to reference “natural heritage systems” being identified on maps, where applicable, in addition to natural features and areas, to ensure consistency with the Provincial Planning Statement, which directs municipalities to identify and protect natural heritage systems in Ecoregions 6E and 7E. • The Bill and/or provincial guidance should clarify that, despite the prescribed structure and mandatory land use designations for official plans, the use of policy overlays is permitted. 	<p>Recommendation: That the Province remove the provisions standardizing the structure of Official Plans and instead issue guidance to municipalities to support consistency and streamlining.</p> <p>Recommendation: That the Province allow the new official plan framework to maintain sufficient flexibility to allow municipalities to address local context, character and public realm considerations through policy.</p>

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			<p>Overlays provide flexibility to address site- or area-specific issues while maintaining underlying base land use designations. They allow municipalities to layer additional policies – such as infrastructure planning, natural heritage protection, and cultural heritage planning requirements a – over existing designations to support conformity with provincial policy and local priorities.</p> <p>The Official Plan Review (OPR) is currently underway and in its initial stages. Staff will continue to monitor Bill 98 and advance public engagement and technical-related work associated with the Official Plan work program until Provincial direction is confirmed, with the proposed framework applying to future Official Plan updates or reviews following the prescribed transition date of January 1, 2028.</p>	
2			<p>Official Plan Structure and Chapters – Built form and the quality of the public realm are fundamental matters to achieving provincial objectives related to intensification, transit-oriented development, and complete communities. Urban design policies play a critical role in translating high-level growth and intensification objectives into functional, livable, and context-sensitive built form outcomes.</p> <p>“Urban Design” is a critical policy area missing from the proposed chapter framework. The proposed Official Plan structure fails to provide a meaningful framework for expressing municipal aspirations and objectives related to the physical form of cities, places, special character areas and complete communities. Instead, it relies on overly simplified headings to organize land use policies, without provisions to address built-form</p>	<p>Recommendation: That the Province add “Urban Design” as a key policy heading to the proposed standard chapters for official plan to explicitly recognize urban design, public realm, and built form policies as a core planning function and integral component of the new official plan framework.</p>

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			<p>quality in the planning and delivery of intensification areas, non-intensification areas, or the public realm.</p> <p>It is essential that the proposed Official Plan structure include dedicated Urban Design headings—or, at minimum, clear urban design subsections within each land use category. These elements are necessary to provide explicit direction on built form, landscaping, and the public realm. Without them, the framework would severely undermine the Province’s ability to advance good planning and uphold provincial interests. It would strip away the potential of having policy to articulate important municipal objectives, required to steer, shape, and influence the physical form of communities, ultimately compromising the quality, functionality, and livability of housing, neighbourhoods, and cities across Ontario, including Markham.</p>	
3			<p>Removing Requirements for Climate Change Policies – The province should not remove the requirement for climate change policies in official plans. Requiring climate change policies is essential to ensuring that land-use decisions contribute to emissions reduction and proactively address increasing risks such as flooding, extreme heat, and infrastructure vulnerability. Embedding policies creates consistency across municipalities, providing clear expectations for resilient growth and infrastructure planning. It also aligns local planning with provincial and federal climate commitments, including direction in the Provincial Planning Statement, helping communities reduce emissions and adapt to changing environmental conditions.</p>	<p>Recommendation: That the Province not remove the requirement for climate change policies in Official Plans.</p>
4			<p>Prohibiting Mandatory Municipal Enhanced Development Standards – The new changes would</p>	<p>Recommendation: That the Province not remove the authority for municipalities to</p>

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			<p>remove the ability to require “sustainable design” elements through site plan conditions at the lot level outside buildings, including EV charging stations and other matters that may be prescribed by regulation. Corresponding changes would remove the ability to require EV charging stations through zoning by-laws, and through regulation, prohibit “sustainability” conditions as part of land division approvals. The proposed regulation would remove the authority to require, as a condition of land division approvals, mandatory enhanced development standards at the lot level (outside of buildings), that are not specifically required for health, safety, accessibility or protection of adjoining lands (e.g., stormwater management).</p> <p>The changes create a shift from a mandatory to a voluntary approach for enhanced development elements (i.e., green development standards) that are not required for purposes of health and safety or environmental protection (i.e., stormwater management).</p> <p>Staff are not supportive of this change as enhanced development standards are tools needed to implement and support provincial legislation and the City’s Official Plan.</p> <p>Municipalities should retain the discretion to require and mandate lot-level standards such as tree canopy protection, restoration in vegetated buffers, minimum soil volume requirements and low impact development stormwater measures. These requirements are integral to maintaining a healthy environment and addressing climate change and should be retained in the</p>	<p>regulate sustainable design elements and enhanced development standards through site plan control.</p>

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			<p>authorities available to municipalities under the Planning Act. Key tools in the <i>Planning Act</i> should remain available for municipalities to use where provincial and local policy priorities dictate.</p>	