

May 12th, 2026

Honourable Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Dear Honourable Sir:

RE: Submission on Bill 98 - Building Homes and Improving Transportation Infrastructure Act, 2026 – and associated ERO Postings

Thank you for the opportunity to provide comments on Bill 98 - Building Homes and Improving Transportation Infrastructure Act, 2026 – and associated ERO Postings. The Town of Grimsby appreciates the opportunity to provide input on these matters.

Bill 98 is an omnibus bill that proposes amendments to several different Acts. Further, consultation is open on several standards and frameworks proposed through postings made on the ERO to streamline policy direction and development approvals. The following information has been prepared to address each proposed change.

Bill 98 and Associated EROs Proposed Changes to the Building Code Act

Bill 98 proposes to amend the *Building Code Act* by adding S.35(4) to allow the Building Code to supersede any enhanced development standards such as enhanced engineering development standards and “standards for the protection or conservation of the environment”. Grimsby does not currently have green building standards, although enhanced development standards are being prepared through the engineering standards project. The goal of the engineering standards project has been to provide clarity on the development process in Grimsby. The Town wishes to express concern that this change may alter the scope of this Town project and limit the Town’s ability to require enhanced standards to ensure good development. Further, the Town is seeking clarity regarding the intent of the phrase “protection or conservation of the environment”.

Proposed Changes to the Development Charges Act

Bill 98 proposes changes to the *Development Charges Act* that would make non-profit retirement homes exempt from development charges. “Non-profit retirement homes” would be subject to the requirements of multiple other Acts including the Retirement Homes Act, the Non-for-Profit Corporations Act, and/or the Canada Non-for-Profit

Corporations Act. This change will likely incentivize and may aid non-for-profit corporations in the development of these facilities. The Town notes that development charge exemptions hinder the principle of growth paying for growth and the need for infrastructure will remain either way.

Proposed Changes to the Fare Alignment and Seamless Transit Act

Various revisions have been proposed to this Act to support more predictable public transit fees across jurisdictions through a unified fare payment system. Transit users in Grimsby rely on Niagara Regional Transit and Go Bus Transit Services as local public transportation providers. With the planning of the GO Train Station underway, this proposal may improve the experience, connectivity, and accessibility of local transit systems. The Town is seeking information on how this change may impact ratepayers.

Proposed Changes to the Metrolinx Act

Proposed changes to the *Metrolinx Act* to support the delivery of a notice, building permit application, and fees where there is a proposal to construct or demolish a building associated with a provincial transit project. The Town is seeking further information related to how these changes are anticipated to be implemented in the context of the *Building Code Act* including: what will legally allow construction to proceed, clarification on the applicable scope of the building code including if the CBO may issue orders, require inspections and approve final occupancy. The Town also requests additional clarification regarding how municipalities may be able to recover costs, how non-compliance may be addressed, and to establish clear timelines for both the municipality and Metrolinx.

Proposed Changes to the Municipal Act and ERO #026-0302

The proposed changes to the *Municipal Act* will permit the development of a water or sewage utility that is developed by a private entity where they have applied for and received consent from a Municipality. The Town requests further information regarding the definition of “water or sewage public utility”, and further clarification on the extent to which the Municipality can dictate standards. The Town does not support assuming a privately developed water or wastewater system that does not meet the standards of the municipality.

Standardization of Official Plans (ERO #026-300)

Bill 98 and ERO#026-300 propose new legislation which would standardize Official Plans. The legislation includes a specific structure and contents of the plan including

mandatory titling, standardized schedules, overlays and data, and number and type of land use designations.

The Town's Official Plan project has been underway since mid-2023, with completion anticipated for June 2026. Throughout the Official Plan review process the Town has ensured that it meets the requirements of the Province outlined through *the Planning Act*. The revised draft Grimsby Official Plan may be able to meet some of the intent of the changes proposed through the legislation such as simplified designations, a clarified plan structure, while also incorporating the Niagara Official Plan, prior to approval.

Official Plans vary by municipality based on the needs and goals of the municipality. A one-size-fits-all approach may not address specific community requirements. The Town requests that if a standardized structure is required, that site and area specific policies remain. Additional direction is requested regarding issues of potential duplication, permissions for sub-designations, and clarification if there is any ability to modify the structure for the needs of the municipality.

Secondary Plans and Site-Specific Policies (ERO#026-0315)

ERO#026-0315 proposes changes regarding secondary plans and site-specific policies (SASPs). The Town notes that removing SASPs from the main body of an Official Plan may create a variety of administrative challenges and reduce flexibility where their approved changes cannot be adequately reflected through a limited set of designations. The Town requests that Secondary Plans and SASPs remain and reiterates that retaining this planning tool in Official Plans provides clarity to the Town, residents, and developers regarding the applicable policies for a specific site or area.

Site Plan Reform (ERO#026-300 and ERO#026-0310)

Bill 98 and ERO#026-300 propose changes to site plan control as a tool within the Act. It proposes to remove reference to "sustainable design" and adds a new section that would prevent the municipality from imposing requirements on "prescribed matters" such as green building standards. The Town does not support this approach. The Town requests that the Province provide further information about the definition of "sustainable design." Excessive oversight in regulating "sustainable design" may hinder the site plan process and limit the ability to achieve good planning outcomes and effective stormwater management practices. The Town requests municipalities and the public be consulted prior to any new regulatory "prescribed matters" being approved.

ERO#026-0310 outlines approaches to site plan reform that are being contemplated by the Province. Removing site plan control is not recommended. Site plan is a technical process where detailed design is considered by subject matter experts. If site plan control is removed, the components of a proposal will still need to be addressed through other processes.

The Town has no concerns with the proposal for a limit of 3 submission circulations prior to triggering an internal meeting. Planners frequently plan meetings with site plan applicants and the relevant departments after each submission to discuss and clarify comments. Staff are currently reviewing the internal site plan process to find efficiencies and streamline steps.

The Town supports the development of a site plan approval checklist that is prepared at the discretion of the municipality and informed by the complexity, scale, and context of the proposed development. Municipalities are responsible for safeguarding public health and safety and must retain the ability to require site-specific information necessary to properly evaluate development impacts.

The site plan process for larger or more complex development proposals requires a comprehensive and coordinated review process across multiple departments and external agencies. Establishing a municipal arbitration process for site plan applications is not necessary and may hinder the site plan approval process by introducing additional steps and potential delays. Such a process may place applicants in a prolonged waiting position rather than enabling the municipality and the applicant to work collaboratively to advance the application toward completion, including the execution of the Site Plan Agreement.

The Town has no concerns with establishing different site plan approval streams based on the type and complexity of the proposed development. The Town already uses a tiered site plan application framework (i.e. Type 1, 2, and 3) based on the nature of the proposed development and the level of review required.

Standardization of Parkland Requirements (ERO#026-300)

Bill 98 and ERO#026-300 outline proposed changes to S. 42 of the *Planning Act* which may facilitate easements for Privately Owned Public Spaces (POPS), authorize municipalities to require agreements for encumbered land, provide for a credit system where encumbered land and POPS arrangements would receive a minimum credit of

70%, and establish a timeframe of 90 days for municipal decisions after which a developer could appeal to the OLT.

The Town is generally supportive of the inclusion of POPS as a form of parkland at a minimum credit of 70%, meaning that 30% could be collected as cash-in-lieu or additional conveyed park lands subject to the Parkland Dedication By-law.

The Town reiterates that these changes would require the Town to accept lands that may not be appropriate for the use of parklands, including those that have been established for the management of stormwater or foot paths. Staff are appreciative that the Province has not proposed a 1 to 1 credit for unencumbered lands, as they may have limited recreational value, or deeper associated costs with developing them into safe, accessible park land.

The Town suggests that the minimum credit percentage either be lowered, or a sliding scale or tiered system is proposed subject to the recreational value of the lands for the purposes of accepting encumbered lands. Otherwise, the municipality risks being unable to support the revitalization and expansion of other parks services that can better serve the community.

The Town notes that the proposal to establish a 90-day window for municipal decisions on the acceptance and conveyance of parkland is narrow. Many agreement processes go beyond the legislated timeline in good faith with the applicant. Providing the legislative basis for an applicant to appeal may result in incentivizing appeals to the OLT to attempt to force the municipality to accept lands that are inappropriate for parkland.

Encumbered Lands (ERO# 026-0312)

ERO# 026-0312 solicits comments regarding the proposed regulation to support the legislated changes for encumbered lands that are eligible or ineligible for conveyance. Ineligible lands include contaminated and hazard lands, lands adjacent to natural heritage features that interfere with a heritage feature, lands that would not support a park use or accommodate tree planting, and lands that are inaccessible to the public. The Town is supportive of these requirements, as it will reduce the likelihood of inappropriate land being conveyed as parkland, although also note that this may result in an uneven distribution of parklands.

The ERO further outlines requirements to support implementation including the required submissions by the applicant and required notice provided to the landowner by the

Town. The Town is generally supportive of the inclusion of the implementation items listed, although note that the requirements for the notice may further reduce the timeline to produce an agreement with the applicant.

Minimum Lot Sizes (ERO#026-300)

Legislative changes have been proposed regarding minimum lot sizes on parcels of urban residential land, that are located outside of the Greenbelt Plan area. These changes would impact a select area of Grimsby on the west side of the municipality abutting Hamilton and would remove the Municipality's ability to regulate lot size through Zoning By-law and establish a prescribed minimum lot size.

Ultimately, these legislative changes may incentivize intensification throughout the suburban residential area that may be subject to these policies. The Town notes that this may not reduce the necessary planning applications required to create a lot of the proposed size (175m²). The Town also highlights that any changes to lot sizes or frontages must continue to support adequate servicing and related maintenance which may be hindered where frontages are smaller.

Prohibiting Mandatory Enhanced Development Standards (ERO#026-0309)

Similar to comments earlier, Staff are requesting further information from the Province regarding what is being considered an "enhanced development standard" and what is considered a "sustainability" condition. The Town generally supports and promotes the development of "green" and "sustainable" infrastructure although does not require it.

Complete Application Requirements: Prescribed Professionals (ERO#026-0313)

Regarding the proposed addition of new "prescribed professionals" (ERO#026-0314), the Town reiterates that the legislation and regulation should further clarify that prescribed professionals shall only be responsible for submissions that are within their specific field. Further, a municipality should not be expected to accept a report that has not been completed by the relevant prescribed professional.

Complete Application Requirements: Submissions (ERO#026-0314)

ERO#026-0313 is a proposed regulation which would limit the Town's ability to require certain studies as a component of a complete planning application. The Town is concerned that sun/shadow, urban design, illumination, parking, and other studies that are typically requested to confirm compatibility are not included in these lists. In Grimsby, growth will be achieved through infill and intensification. Applicants should be

required to show how proposals are compatible with and will integrate into the existing fabric of the community, as well as the related potential impacts.

The Town encourages further consultation on the contents of studies, including clarification on the appropriate “prescribed person” for each item. The Town should maintain the ability to develop terms of reference for each study submission to reflect local considerations.

Submission of Electronic Notices to the Ministry (ERO# 026-0305)

ERO# 026-0305 proposes changes to regulations under the *Planning Act* to remove the requirement for an original or certified copy, and allow required notices to be given electronically to the Ministry of Municipal Affairs and Housing. The Town has no concerns about this change as it will allow the Province to be further aligned with the recent digital filing approaches that are being adopted by Grimsby and other provincial bodies, such as the Ontario Land Tribunal.

Proposed to the Water and Wastewater Public Corporation Act

Changes proposed relate to ownership, the transfer of assets, rights, and obligations, employee continuity, and added Minister powers. The bulk of these changes ensure that infrastructure stays within public ownership and prevents “downloads” to the municipality without an agreement between the transferrer and the transferee.

While the proposed amendments to the Act do not have an immediate operational impact on the Town, staff are generally supportive of the proposed changes. Should governance changes to water and wastewater be introduced within the Niagara Region, the proposed amendments establish the foundation of a transparent and accountable governance framework. However, staff flag concern with the inclusion of new subsection 20(6 and 7) which permits the Minister to make regulations that impact the legal effect of a transfer agreement or a transfer by-law, and require changes made transfer agreements, including their modification, termination or suspension. In cases where responsibility has been downloaded, the impacts of these changes can be far more sweeping. Staff request further information regarding what circumstances this legislative tool may be utilized.

Draft Projection Methodology Guideline (ERO# 026-0304)

ERO# 026-0304 is a follow up to ERO# 025-0844 with further refinements related to the draft Projection Methodology Guideline for growth studies permitted through the Provincial Planning Statement (PPS). The PPS states that growth projections should be

based on the growth projections provided by the Ministry of Finance, although may be further refined by municipalities.

In August 2025, Council approved the Grimsby Intensification Strategy (Hemson) which studied growth in the Town to 2051 and established growth targets utilized in the development of the Parks Master Plan, Transportation Master Plan, and Official Plan project. Hemson has confirmed that Grimsby's Intensification Strategy reflects the required framework, evaluates local conditions and establishes a range of growth scenarios based on a realistic assessment of intensification potential.

Concluding Remarks

The Town has reviewed the proposed legislation carefully to provide thoughtful and constructive feedback on the proposed changes, as well as identifying the potential opportunities and challenges at the local municipal level. The Town suggests that more clarity to the contents of the proposed legislation/regulations is needed and that the Province consider all comments prior to passing the legislation.

Ultimately, the Town recognizes and supports process improvements; however, they must be thoughtful and context specific. At the local level, we need to ensure we are building communities where people want to live in now and in the future.

Sincerely,



Kirsten McCauley, MCIP, RPP
Director of Planning and Development



Sarah Kim
Chief Administrative Officer