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VIA ENVIRONMENTAL REGISTRY SUBMISSION

May 14, 2026

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

Attention: Hon. Rob Flack, Minister of Municipal Affairs and Housing

Dear Hon. Mr. Flack:

**RE: COMMENTS ON PROHIBITION ON MANDATORY ENHANCED DEVELOPMENT STANDARDS
Bill 98, Building Homes and Improving Transportation Infrastructure
ERO No. 926-0300
Committer: Build Urban Inc.**

We represent Build Urban Inc. (“**Client**”), a collection of urban developers from across Waterloo Region. Our Client has requested that we prepare this letter in support of the proposed changes to the *Planning Act* to remove municipal authority to require mandatory Enhanced Development Standards and green development standards which are not specifically required for health or safety.

Our Client and its members are committed to environmentally responsible and sustainable development, built upon decades of experience, compliance with the requirements of the *Ontario Building Code* (“**OBC**”), and recognition of industry best practices. That said, our Client has long had serious concerns about municipalities mandating Enhanced Development Standards and green development standards.

Mandatory Enhanced Development Standards add an unnecessary level of complexity to the development approval process, largely without a clear corresponding sustainability benefit, thereby leading to increased costs and delays to homebuilders and homeowners alike. Environmental sustainability and efficiency must be balanced against economic viability for both homebuilders and homeowners. Considering the unprecedented housing crisis in Ontario and the Province’s recent focus on “Cutting Red Tape” for homebuilders and getting “More Homes Built Faster”, removing the unnecessary complexity

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and expense which accompanies mandatory Enhanced Development Standards is critical.

Enhanced Development Standards and green development standards are, in our Client's view, redundant and duplicative of existing regulations imposed by the OBC and the Ministry of Environment, Conservation and Parks, and of industry best practices, all of which already regulate matters of energy efficiency and environmental sustainability in the building industry.

The 2024 *Provincial Planning Statement* ("**2024 PPS**") guides municipalities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that, for example, support energy conservation and efficiency; promote green infrastructure, low impact development and active transportation; and protect the environment and improve air quality (2024 PPS, s. 2.9). However, the 2024 PPS does **not** require, or authorize, municipalities to impose or enforce specific construction standards in achieving those goals.

While municipalities are permitted to regulate various aspects of development under the Site Plan Control process, the manner of construction and standards of construction are explicitly excluded from that authority under Section 41(4.1)(3) of the *Planning Act*.

Municipalities have a broader authority to regulate development through conditions to the approval of a plan of subdivision under s. 51 of the *Planning Act*. However, again, such conditions must not surpass the requirements of the *OBC Act* or the OBC.

The OBC governs the manner of construction and types and quality of materials used therein (*OBC Act*, ss. 34(1)(3)) and the design of buildings and the use to which they may be put (ss. 34(1)(5)). This includes environmental sustainability measures and energy efficient construction of buildings.

Section 35 of the *OBC Act* specifically provides that the *Act* and the OBC supersede all municipal by-laws respecting the construction and demolition of buildings. In the event of a conflict between a municipal by-law and the *Act* or the OBC, the *Act* and the OBC prevails and the by-law is inoperative to the extent that it differs from the *Act* or the OBC. As the OBC regulates energy efficient construction and green building standards, municipal by-laws cannot impose standards which exceed those already mandated by the OBC.

Notwithstanding the above, a number of municipalities have attempted to impose mandatory Enhanced Development Standards and/or green development standards which far exceed their authority to do so. While their goal of environmental sustainability may be laudable, the unintended consequences of increased costs, red tape, and delay far outweigh any benefit achieved by mandatory Enhanced Development Standards.

All of this is not to say that our Client and its members seek to abandon all environmental sustainability efforts. The OBC already requires certain development standards, which our Client and its members are pleased to meet, and our Client will often exceed the OBC standards where economic viability and market conditions dictate. However, Enhanced Development Standards must not be permitted to be mandated by municipalities.

As such, our Client welcomes and applauds the Province's proposed changes to the *Planning Act* which make it abundantly clear that municipalities do not have the authority to require mandatory Enhanced Development Standards and green development standards.

Very truly yours,



Jennifer Meader
JM/mdj



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