

May 14, 2026

The Honourable Rob Flack  
Minister of Municipal Affairs and Housing  
Municipal Finance Policy Branch  
777 Bay Street, 17th Floor  
Toronto, Ontario M7A 2J3

Dear Minister Flack,

**Re: Submission on Bill 98 – Building Homes and Improving Transportation Infrastructure Act, 2026 and Related Regulations**

Thank you for the opportunity to provide comments on the proposed changes to the nine (9) Acts through Bill 98 – Building Homes and Improving Transportation Infrastructure Act, 2026, and related Regulations. The Town of Niagara-on-the-Lake (NOTL) appreciates the Province's commitment to strengthening Ontario's economy and addressing the housing crisis during these uncertain times.

The Town's comments will focus mainly on the amendments proposed to the Development Charges Act, the Municipal Act, and the Planning Act, as well as associated proposed regulations. These changes are anticipated to have the greatest impact on the Town of Niagara-on-the-Lake.

The comments provided below summarize input to NOTL Town Council on May 5, 2026.

**SCHEDULE 3: Development Charges Act, 1997**

Bill 98 proposes amendments to the Development Charges Act that, if passed, would introduce additional development charge exemptions, allow for potential reductions in development charges, streamline municipal processes, and support development approvals with the goal of reducing development costs.

The Town generally supports the Province's objective of improving housing affordability and creating a more predictable development structure. Streamlining administrative processes and reducing unnecessary delays may assist in advancing housing delivery. However, the proposed changes to the Development Charges Act may limit the Town's ability to collect revenues needed to support infrastructure and municipal services associated with new development. Additional exemptions and potential reductions in development charges may increase financial pressures on the Town and greater reliance on other municipal funding sources, while limiting the municipality's flexibility to address future growth and service demands.

## **SCHEDULE 6: Municipal Act**

Bill 98 proposes amendments to the Municipal Act that, if passed, would standardize municipal requirements, streamline municipal processes, and restrict municipal authority to require enhanced development and sustainability standards.

The Town acknowledges the Province's intent to create greater consistency in municipal requirements and reduce regulatory complexity for development. However, the proposed changes may reduce the Town's ability to establish and implement local sustainability and development standards that respond to community priorities and local conditions. Staff have concerns that limiting municipal authority in these areas could affect the Town's ability to advance environmental objectives, climate initiatives, and design standards through municipal processes and policies.

## **SCHEDULE 7: Planning Act**

Bill 98 proposes amendments to the Planning Act that, if passed, would standardize Official Plan structures and land use designations, streamline and potentially limit Site Plan Control, restrict municipal authority to require enhanced development and sustainability standards, standardize parkland dedication requirements, establish standardized application submission requirements, introduce additional certified professionals for complete application purposes, and enable digital submission processes.

The Town generally supports amendments that improve consistency, modernize application processes, and reduce administrative inefficiencies, particularly where these changes can support timely decision-making without compromising good planning practices.

Collectively, these changes signal a shift toward a more centralized and standardized planning framework, with reduced municipal discretion. The proposed changes are significant in scope and, if enacted, will materially affect municipal planning authority, application review processes, and the Town's ability to implement local policy priorities, including climate adaptation and community design. Additional discussion on these matters is provided in the sections below of this letter.

## **ASSOCIATED REGULATIONS**

### **Additional "Prescribed Professions" (ERO 026-0314)**

The Protect Ontario by Building Faster and Smarter Act, 2025, amended the Planning Act to allow the Minister to identify studies that municipalities are required to accept from specified certified professionals. Since January 2026, municipalities have been required to accept materials submitted by certified professional engineers. Through Bill 98, the Province is seeking feedback on expanding the list of specified certified professionals to include landscape architects. While municipalities can still request additional information and will continue to review the materials submitted, timelines under the Planning Act may not be delayed pending receipt of this information.

Since the introduction of professional engineers as specified professionals, for the purpose of deeming applications complete, there have been no impacts on the Town's planning processes or timelines. While no immediate impacts have been observed, expanding the list of prescribed professionals may reduce municipal control over the completeness determination process and shift greater reliance onto externally certified documentation. The

identification of additional specified professionals supports timely review for completeness when planning applications are submitted, while retaining the Town's ability to request additional information in support of an application.

### **Standardizing Parkland Requirements (ERO 026-0312)**

The Planning Act was amended by Bill 23 to include provisions for developers to identify lands, including encumbered land, to count towards municipal parkland dedication requirements. Through Bill 98, the Province has proposed a Minister's regulation under the Planning Act to standardize parkland dedication requirements, including criteria for lands that a developer may identify to be conveyed for parkland dedication. The proposed regulation identifies types of land that would be ineligible for conveyance as parkland dedication, including contaminated lands, natural and human-made hazards, lands within and adjacent to natural heritage features and lands within an identified Provincial Natural Heritage System.

The criteria will assist in ensuring that the Town will not be required to accept lands that are not suitable or functional for parkland purposes. The proposed criteria provides clarity and protection against unsuitable parkland conveyance. However, standardization may limit flexibility to respond to unique local conditions. No other changes proposed to parkland dedication amounts or the ability of the Town to collect parkland as either land dedication or cash-in-lieu.

### **Streamlining Complete Application Requirements (ERO 026-0313)**

The Province is seeking feedback on the proposed standardization of information and submission materials that can be required as part of a complete application. Currently, municipalities may require the submission of studies, plans and reports in order to deem a Planning Act application complete, provided the submission materials are set out in the Official Plan. The Province proposes to establish a standardized list of materials to improve consistency and support the reduction in delays. The regulation includes a list of 'Core Studies', which may be required as part of any application, and 'Contingent Studies', which can be required only when specific conditions exist. The ERO posting does not specify conditions to warrant the submission of contingent studies.

Through the Town's Official Plan review, a list of submission requirements has been developed (Table 7 of the final Draft Official Plan). The Town has identified studies and reports in the Town's draft Official Plan, which are not included in the proposed Provincial list for Core or Contingent Studies, including a Tree Inventory and Preservation Plan, Farm Business Plan, and Visual Impact Assessment (Niagara Escarpment).

The Town's Official Plan currently identifies submission materials that may be required as part of a planning application; however, the Town has not categorized these into the proposed typologies of 'Core' and 'Contingent'. Categorizing the studies has not been necessary, as staff review each application, consider the site context and proposed development to identify which submission materials are required. This approach has been working effectively.

The proposal does not currently describe the conditions that must be met to require any of the 'Contingent Studies'. These conditions must be delineated to better understand when 'Contingent Studies' may be required. Potential additional risks include loss of ability to tailor

submission requirements to site-specific conditions, potential delays if 'Contingent Study' triggers are unclear, and incomplete technical review if necessary studies cannot be required. This proposal represents a shift from a context-based planning approach to a prescriptive checklist model, which may not adequately address the Town's unique environmental and heritage context. The Town recommends the inclusion of additional submission materials, currently absent from the Provincial list. The Town recommends maintaining the list, noting the objectives of each submission item, but without the categorization into the two categories, as this is unnecessary, and staff continue to work with applicants to confirm submission requirements based on individual applications. If the Province intends to retain the proposed categorization, conditions should be described in broad terms to support assessment of the need for submission materials based on the identified objectives of each study.

### **Facilitate Electronic Submissions and Notice (ERO 026-0305)**

The Province is seeking feedback on proposed amendments to regulations under the Planning Act to facilitate the electronic submission of information and material to approval authorities and allow notices to be given electronically to the Province. The proposed changes are intended to simplify the process and expedite timelines. The proposal includes the removal of the requirement for an original or certified copy of application forms for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision and Condominium, and Consents. The proposal would also permit electronic submission to the Ministry of Municipal Affairs and Housing, where they are the approval authority, for notices such as public meetings, open house, deeming an application complete, and adoption of an Official Plan or Plan amendment.

The Town is supportive of the Province's efforts to modernize application submission and notice procedures through expanded use of digital processes. The proposed changes are administrative in nature and will assist in simplifying application intake and processing. For a majority of planning applications, the Town is the approval authority; however, the Ministry of Municipal Affairs and Housing (MMAH) is the approval authority in some circumstances, such as the adoption of the Town's Official Plan. The proposed amendments for digital submission to the Ministry are anticipated to benefit the Town in the few instances where MMAH is the approval authority. For all other planning applications, no change to the Town's current processes are proposed through this posting.

### **Enhanced Development Standards (ERO 026-0309)**

The Province has proposed a Minister's regulation to remove the authority for municipalities to require enhanced development standards or sustainability measures as a condition of land division approvals (i.e., subdivisions, lot severances), where they are not required for health, safety, accessibility or protection of adjoining lands. These changes would apply to enhanced development standards, such as green roofs and permeable pavers that are not required for functionality (i.e., stormwater management). While applicants could continue to elect to include enhanced standards within their proposals, the Town would not be able to require them as a condition of land division.

Enhanced development standards, such as tree plantings, landscaping, and ornamental features, are typically implemented as part of land division processes related to new subdivisions. The Town does not typically require certain enhanced development standards, including landscaping details and ornamental features, as a condition of land division

approvals for lot severances (i.e., through a Consent Application, considered by the Committee of Adjustment). While current impacts on individual consents are limited, the proposal contributes to a broader erosion of municipal authority over built form and environmental performance.

The incorporation of enhanced development standards is typically addressed at the Site Plan approval stage, in consultation with the Town's urban design guidelines and applicable policies and guidelines. The Province is proposing to eliminate enhanced development standards for Site Plan applications. The cumulative effect of removing enhanced development standards through lot division and the Site Plan process will result in pushing sustainable development practices from mandatory to voluntary.

### **Official Plans (ERO 026-0300)**

The proposed amendments to the Planning Act include a proposal to establish a standardized structure for local official plans, including proposed section headings and organizational structure. The proposal also includes the establishment of a standardized set of land use designations to be used in all Official Plans.

The Town recognizes that a standardized Official Plan structure may improve consistency across municipalities and assist in navigating policy documents for public use. A more uniform structure may also support clearer interpretation of planning policies and improve coordination between municipalities and agencies.

NOTL is not an identified large and fast-growing municipality, and would have until January 1, 2029, to update the Official Plan to align with the standardized structure. The Town's draft new Official Plan is not formatted to follow this proposed standardized structure. Should the proposed regulation be approved, the Town will update the Official Plan to align with the standardized format by January 1, 2029. The section headings and land use designations used by the Town can largely be reorganized into the proposed section headings and land use designations. Additional clarity is required from the Province surrounding the use of additional broader classifications that are currently absent from the proposed list, including the settlement area, designated growth area, Niagara Escarpment Plan area, Greenbelt plan area, and Special policy area.

While reformatting is feasible, the shift may reduce the Town's ability to reflect local nuance and policy priorities, particularly related to heritage conservation, agricultural protection, and environmental sensitivity. It is recommended that clarity be provided on how conflicts between Provincial standardization and local policy frameworks (e.g., Greenbelt Plan and Niagara Escarpment Plan) will be resolved.

Amendments are also proposed to the Planning Act, Municipal Act and Building Code Act that would have the effect of removing municipal authority to require certain mandatory enhanced development standards outside of buildings and providing greater clarity that green building/construction standards are voluntary and cannot be imposed by municipalities. Enhanced development standards include matters such as landscaping, ornamental design requirements, tree canopy requirements, and soil composition. Proposed changes would remove references to "sustainable design" from Site Plan control, clarify that zoning cannot be used to require sustainable elements, expressly provide that green building/construction

materials are not permitted, including as part of Site Plan control, and remove provisions that would have authorized municipalities to require green building standards.

The Town's Climate Change Adaptation Plan (CCAP) recommends the implementation of sustainable design requirements and green infrastructure through the planning process. If Bill 98 is implemented as proposed, the Town would no longer be able to require things like permeable paving, tree canopy targets, or low-impact landscaping unless tied strictly to health/safety. Without enforceable green standards, the Town's ability to develop incentives for low-impact development may be limited. Sustainable development practices can assist with reducing stormwater management concerns and addressing urban heat island effects. This proposal eliminates municipal authority to require sustainable design features and directly impacts the implementation of the Town's CCAP. The cumulative effect of removing enhanced development standards through lot division and the Site Plan process will result in pushing sustainable development practices from mandatory to voluntary.

### **Reform Site Plan Control Reform (ERO 026-0310)**

The Province has identified a goal of enabling faster, more predictable, cost-effective and coordinated municipal Site Plan processes. To achieve this, the Province has presented a list of potential Site Plan reforms to generate discussion and work towards a solution. The potential reforms have been presented as broad concepts for open discussion and input, with no substantial details available at this time.

Potential reforms under consideration by the Province include the removal of Site Plan control as a tool in the Planning Act; requirement for municipalities to have a maximum of three (3) circulations after which a mandatory meeting is triggered with all relevant representatives; scoping of Site Plan review to a standard checklist of functional aspects; prohibiting the ability for a municipality to request additional studies and plans beyond what is included in the standard list; establishing a municipal arbitration process/Site Plan review panel for applications that exceed the 60-day timeline and a specified number of circulations (alternative to a hearing at the OLT); and, establishing Site Plan approval streams for different development typologies, such as expedited stream for less complex applications.

Site Plan Approval is an important tool in the Planning Act that enables technical review of proposed developments, focusing on site layout and functionality. Through this process, Town staff can review developments with applicants and relevant departments and agencies, and consider how the site will operate, including location and connectivity of walkways, drive aisles, parking areas, and other functional aspects such as drainage, waste collection and snow clearing.

The Town supports efforts to improve efficiency, predictability, and consistency in the Site Plan Approval process, including process modernization and clearer application requirements. However, the elimination of Site Plan Control raises serious concerns, as numerous functional elements are not otherwise addressed by zoning or building code processes. To ensure sites remain functional, accessible and integrated within their surroundings, Site Plan Approval continues to play a vital role in the planning process. The Town utilizes Site Plan Control to ensure developments are compatible with the surrounding area and to coordinate requirements related to heritage, servicing, landscaping, and urban

design. This function remains important to the Town to support the achievement of a complete community.

The Town continues to work on process improvements related to Site Plan applications, including process mapping, guidance documents, and reference materials that can be provided to applicants through the pre-consultation process and made available on the Town's website. Rather than a mandatory meeting at specific stages of the process, Town staff remain available to, and actively, meet with applicants to discuss their applications at any point throughout the process. The potential removal or restriction of Site Plan Control presents a significant operational and planning risk, including the loss of ability to coordinate site functionality, accessibility, servicing, drainage and urban design integration. This leads to an increased risk of poorly functioning or incompatible development. Without Site Plan Control, many critical elements are not regulated elsewhere, creating a potential regulatory gap.

As an alternative to the approaches proposed by the Province, the Town recommends that the Province work with municipalities on the process improvement efforts noted above, including guidance documents, clearer process mapping for the use of conditional approval, direction for complete applications (e.g., zoning compliance), and standardized administrative elements (e.g., signing blocks, printing instructions). These measures will help improve consistency amongst municipalities, which results in clearer expectations for applications and improvements to processing timelines.

### **Proposed Regulatory Approach to Establish a Minimum Residential Lot Size in Urban Areas (ERO 026-0311)**

The Province is consulting on a proposed regulation to establish a minimum lot size of 175 square metres (approximately 1,900 square feet) for parcels of urban residential land (a parcel within a settlement area that is zoned for residential use and is fully serviced by public sewage and water). The proposal would only apply to lands outside the Greenbelt Area. All lands within the Town are within the Greenbelt Area and, as such, this proposal would not apply to NOTL. This ERO posting does not affect the Town.

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

The Province has proposed changes related to Secondary Plans and Site- and Area-Specific Policies, including identifying appropriate areas for the use of Secondary Plans (i.e., new neighbourhoods, growth areas, settlement areas). This includes the identification of types of areas where Secondary Plans could be used, separating Secondary Plans from Official Plans as a standalone document subject to the same process requirements, and exempting Secondary Plans from the Minister's approval.

The Town currently has four in effect Secondary Plans (Glendale, Queenston, St. Davids and the Dock Area), and the Queen Street Secondary Plan work will be initiated this year. Secondary Plans have been an effective tool for considering a defined area, its unique elements, anticipated development, and future needs to establish policies that guide growth appropriately. Maintaining the ability to undertake a Secondary Plan within the Town's settlement areas and areas of significant economic/employment activity is essential to effectively plan for the distinct areas and unique needs of our community. In response to this proposal, and as directed by the Province, the Town modified its approach to the new Official Plan. The Town's existing Secondary Plans will be excluded from the new Official Plan and

retained in the existing Official Plan. This allows for retention of the Town's Secondary Plans until the Province finalizes their approach to separating Secondary Plans from Official Plans.

### **Projection Methodology Guideline (ERO 026-0304)**

Currently, the Provincial Planning Statement establishes that municipalities are to rely on Ontario Population Projections published by the Ministry of Finance as a basis for population and employment forecasts. The Province has been compiling guidance to support the implementation of this approach following the revocation of the Growth Plan for the Greater Golden Horseshoe, which provided a detailed land-needs methodology. The proposed guidance includes establishing municipal population projections to identify and allocate Ministry of Finance population projections from the Census Division to the municipal level; developing a Housing Needs Forecast to determine the amount of housing needed to the planning horizon, accounting for intensification; developing Employment Forecasts to identify the amount and type of employment growth to be accommodated over the planning horizon; and, a Land Needs Assessment to identify the amount of land required to accommodate an appropriate range and mix of land uses to meet a municipality's projected needs over the planning horizon.

Key changes since the previous consultation on this matter in Fall 2025 include increased clarity on when to consider undertaking population and employment forecast updates, details provided on assessing housing needs by considering tenure, type and propensities, clarity provided on estimating feasible intensification rates and streamlining the needs methodology for greater consistency among municipalities.

The Town's current Official Plan review process can continue with the existing population and employment projections and will not be affected by the updated methodology guideline. The proposed guidance will be utilized by the Town to inform future updates to the Town's growth projections, which would be required at the time of the next Official Plan review.

### **Concluding Remarks**

Bill 98 represents a significant shift in the planning framework in Ontario, with implications for municipal autonomy, environmental sustainability, and development review processes. While the proposed changes aim to improve efficiency and consistency, several elements introduce uncertainty and may limit the Town's ability to respond to local conditions and policy priorities. These impacts extend beyond individual amendments and reflect a broader shift in the planning framework toward increased standardization and reduced municipal discretion.

The Town respectfully requests that the Province consider the comments provided and consult further on any proposed changes to understand the implications at the local level.

Kind Regards,



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Town of Niagara-on-the-Lake



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