

APPENDIX A Detailed Comments on Bill 17 (Protect Ontario by Building Faster and Smarter Act, 2025) and Non-Regulatory Proposals from Technical Briefing		
ERO # 025-0450: Amendment to the Building Transit Faster Act, 2020		
Item #	Proposal/Provision of ERO	Staff Comments
1	Provincial override of municipal road permits and right-of-way access for "Priorty Transit Projects"	Bill 17 would allow Metrolinx to override City authority over municipapl road permits and right-of-way use for priority transit projects. This could disrrupt local traffic, limit City's input on safety and detour plans, and impact ongoing municipal capital projects.
2		Staff recommend that the Province establish a formal process for consultation and coordination with municipalities in the development of any traffic management plan to help minimize local traffic impacts from the priority transit project construction. It is further recommended that Metrolinx work collaboratively with the City to monitor local impacts, provide regular project updates, and ensure timely notification to affected stakeholders and the public. Metrolinx should also be responsible in responding to public inquiries and complaints, and to proactively address any transportation-related issues that may arise during construction activities.
ERO # 025-0461: Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17)		
Item #	Proposal/Provision of ERO	Staff Comments
3	Allow the Minister to impose conditions that must be met before a use permitted by a MZO comes into effect.	It is unclear the scope of conditions that can be imposed on the municipalities and/or proponents, and whether such conditions should be better defined.
4		Expanding Minister's authority through MZOs may bypass or override municipal Official Plan, Transportation Master Plan, and related policies, reducing opportunities for municipal review and integration of transportation policy objectives.
5		Staff recommend that the Province require formal municipal consultation and demonstrate that local transportation policies and plans are considered and aligned, before issuing MZOs or imposing conditions that may adversely impact local transportation systems.
6		Clarification needed to determine how conditions are cleared and to whose satisfaction. Additionally, a specific list on what can and cannot be conditioned.
7		While the ability to attach conditions to MZOs is an improvement, the continued broad power of the Minister to issue MZOs can still override local planning processes and community wishes, leading to development that may not align with a municipality's long-term vision.
8	Provide "as-of-right" permission for K to 12 public schools and ancillary uses on land zoned for residential uses	Staff could be supportive of this change, but only if the province ensures that school sites are not located in areas inappropriate for sensitive land uses.
ERO # 025-0462: Proposed Regulations – Complete Application		
Item #	Proposal/Provision of ERO	Staff Comments
9	Municipalities can require various studies and reports, leading to delays and complications in the application process. The government is looking to create more consistent and predictable requirements across municipalities.	Based on the province's observations related to "inconstency, number of studies, delays, etc", recommend that MMAH partner with Ontario municipalities to engage on common practices, criteria and aligned approaches that can be consistently applied across all jurisdictions respecting the range of required urban design studies and requested information. The products of such engagement would assist in the province's delivery of complete communities, growth centres and intensification areas and matters of provincial interest respecting the design of development along with providing certainty to the development industry around consistent municipally aligned submission requirements for complete applications. Recommend that MMAH engage with the Municipal Designers' Roundtable (Ontario) as a useful forum for consultation. Also, Staff could require these studies, including the urban design brief as a section in the Planning Justification Report/Brief, and amend the Terms of Reference for the Planning Justification Report.
10		Given that for many municipalities there are several complete application requirements which are not currently identified in their official plans, what transition regulations will be put in place to ensure that existing/ongoing development applications which were submitted and are being reviewed based on municipalities' current requirements are not unduly delayed or otherwise negatively affected by these proposed amendments?
11		Clarity is recommended around what criteria might the Minister apply for approval of updated official plans and their complete application requirements, since many municipalities are in the process of updating their official plans (or intend to begin in the near future), and this could potentially create uncertainty and delay for future development applications.
12		While the bill claims a neutral environmental impact, environmental groups and some municipal planners argue that removing certain studies could lead to negative outcomes (e.g., increased energy consumption, inadequate stormwater management, loss of tree canopy) that municipalities will ultimately have to manage. A development may happen to be in an area where there may recommendations based on existing studies such MESP, Secondary Plan, Sub-watershed studies, SWM strategy to protect the public from the negative impacts. The Bill may overlook the recommendation of the studies which may not be favorable for public safety. Municipalities will lose the ability to require certain studies that are crucial for ensuring high-quality, context-sensitive development and mitigating negative impacts on the environment and existing communities.
13	Enabling the Minister, by regulation, to prescribe a list of subject matters for which studies cannot be required as part of a complete application, and identify the only studies that could be required as part of a complete application for an official plan amendment, zoning by-law amendment, site plan control, plan of subdivision or consent.  Specifically, it is proposed that the following topics could not be required as part of a complete planning application:  - Sun/Shadow - Wind - Urban Design - Lighting	Sun/Shadow - important to study impacts towards public spaces esp parks in light of seasonal/ climate change and solar access. As the language is "could not be required", does that mean we could continue to ask for the study, but it just won't be subject to the complete application process and typical review timelines?
14		Precluding shadow studies weakens evidence-based decision making on how built form should respond to shadowing issues during the application stages and when before the Ontario Land Tribunal, challenges planning decisions that would otherwise uphold and protect the viability of intensification areas, downtowns, special character communities and districts, including the protection of heritage properties and conservation districts as a matter of provincial interest. Loss of critical assessment tool for staff to implement Council's policy direction in protecting fundamental access to light for the benefit of the public including province's objective of creating complete communities, growth centres/downtowns and intensification areas where shadowing impacts must carefully looked at. Will undermine good planning and the City's strategic objectives for building a safe, healthy, resilient and inclusive City.
15		Precluding shadow studies removes the City's ability to assess the potential shadow impacts created by new developments on the public realm, including streetscapes, public parks and open space, community gardens and greenhouses, schoolyards and adjacent communities. The inability to adequately manage shadows on streets and open spaces when measured aggregately will likely have potential implications on safety, AODA concerns and even crime prevention in the public realm. Will impact the importance and utility of the public realm and its capacity to perform economically, socially and from a walkability perspective, particularly if streetscapes are in full shadow, creating uncomfortable conditions for people, businesses and other uses at grade that thrive on access to light (i.e. retail uses, cafes and patios, urban format schools, day-care amenities) in emerging urban contexts.
16		Precluding information and material related to lighting in respect of proposed development would challenge other forms of provincial and federal legislation governing bird strikes on buildings, and negate the City's ability to apply its Bird Friendly Design Guidelines. Without lighting information or the ability to provide general guidance on outdoor illumination considerations, planners and designers are unable to weigh in on matters attributed to comfort and safety, AODA considerations, wayfinding, light pollution/over-design and nighttime usability of public spaces.
17		Require lighting study submitted for information only at site plan stage, for the purpose of overall lighting strategies and bird friendly and sustainability metrics requirements.
18		Wind - wind impacts on the pedestrian realm and comfort is a real and major issue that can impact life safety, especially during the winter months. There is a direct correlation between the height of towers and wind impacts, which should be studied at the the ZBA stage.
19		Sun/shadow and wind are common areas of concerns and interest for public when they come out to public meetings. If we can't require these studies and we won't get them during the application process, we cannot inform the public and could face even more public pushback. If we learned anything from the COVID-19 pandemic, it is the need to deliver spaces that are accessible, particularly in intensified areas. There are 2 real examples whereby wind studies were not reviewed prior to land use approvals for 2 high rise developments along the Yonge Street Corridor which have resulted in undesireable peestrian level wind impacts-the park at the Devron high rise at Yonge/Grandview (Barney Danson Park) required the installationof a glass barrier to attempt to mitigate undesireable wind currents to make it a useable park.
20		At a minimum, sun/shadow and wind impact studies should be required for ZBA and SPC applications. Could consider not including it for OPA/Sub division/ Consent applications. Staff could require these studies, including the urban design brief as a section in the Planning Justification Report/Brief, and amend the Terms of Reference for the Planning Justification Report.
21		The tools identified have been widely adapted by the City and other municipalities in response to addressing previously fragmented and overly iterative reviews related to sun and shadow analysis, wind and lighting. Omitting these from the complete application process would reverse the utility of these planning tools, which are highly useful for complex development applications.
22		What is the rationale behind enabling the Minister to both prescribe a list of studies which cannot be required and identify a 'fixed' list of required studies, since either authority would arguably achieve the same goal of limiting the number of complete application requirements? There is a risk that separate regulatory lists create potential conflicts between them, which could lead to confusing and arbitrary decisions being made by municipalities and development applicants in their efforts to adhere to both lists. If the Province's aim is to achieve more consistency in complete application requirements across municipalities, a single list of permitted studies and reports would be more likely to support this goal.
23	One potential risk of enabling the Minister to regulate such requirements would be when the Minister decides to change the prescribed list(s), since depending on the frequency and volume of any changes this could also lead to then-current development applications being delayed or otherwise negatively affected, unless there are clear ministerial directives and guidelines in place to help ensure clarity and support around how potential new prescribed lists would come into effect.	
24	Without the full suite of planning tools and studies, municipalities may find it harder to adequately assess and mitigate the impacts of new development on existing infrastructure (roads, transit, water, sewers), community services (parks, recreation facilities), and the natural environment. If critical urban design and environmental considerations are not addressed through local planning, there may be a risk of creating less attractive, less functional, and less resilient communities over the long term.	
25		Recommend to require Sun/Shadow and Wind studies at Zoning stage and to assess refinement of proposal at the Site Plan stage.
26		Recommend to require lighting study submitted for information only at site plan stage, for the purpose of overall lighting strategies and bird friendly and sustainability metrics requirements.
27		Recommend to maintain Urban Design studies as part of complete application stage (i.e. OPA/ZBA and Site Plan).

28	What topics or studies should be identified as being permitted to be required by municipalities as part of a complete application?	Municipalities rely on a wide range of studies to assess the impact of planning and development proposals on the community including the natural, social and built environments impacted by a proposal. A complete application should include the full range of technical studies necessary to allow planners and council to make evidence-informed decisions to ensure that proposed developments conform to provincial and municipal policy requirements (e.g., traffic, environmental, stormwater, heritage). Municipalities vary widely in geography, population growth, infrastructure, and environmental sensitivity. Prescriptive regulations that would limit information and material that may be required in a complete application risks excluding studies needed in large and fast growing municipalities that have unique planning requirements or if prescribed narrowly may result in disputes and delays regarding interpretation if study lists and terminology in a provincial regulation are not aligned to study lists and terminology currently set out in local official plans. The province should consider alternatives to a regulatory approach and instead consider developing detailed guidance for municipalities that affords some flexibility and tailoring and avoid a prescriptive one-size-fits-all approach.
29		Should the province proceed with regulations prescribing topics or studies that may be required by municipalities as part of a complete application the full list of complete application requirements as currently set out in the City of Markham Official Plan should be provided and considered by the province to ensure the enabling requirements under the Planning Act do not exclude study requirements the City of Markham currently relies on to make evidence informed planning decisions.
30		Staff recommend the province not proceed with regulations that would list or limit the scope, type or number of studies that may be required as part of a complete application and instead provide guidance to municipalities to facilitate consistency across the province.
31		While the Province's intent of achieving faster and more standardized development application processes is clear with these proposed amendments, the rationale is unclear for choosing the four topics proposed to be disallowed over other potential choices, besides perhaps the fact that these four are among the most common types of studies/reports required by municipalities. Given that by the Province's own admission "[c]omplete application requirements ensure the information needed to assess planning applications is included with the application to enable municipalities to make timely decisions", it seems plausible to suggest these four are among the most common topics required precisely because they help enable municipalities make more timely and properly assessed planning applications.
32		By limiting discretionary/required studies, the province might increase the number of appeals to the Ontario Land Tribunal (OLT) and associated legal costs for municipalities because the public perception is more towards sustainable development and doing the due diligence by undertaking the required studies to avoid any impact on the environment.
33		Providing an answer to what topics/studies should be permissible as requirements presents several questions: without further guidance and in light of the Province's intent, how many and what kind of studies would the Province be most amenable to allowing? If the aggregated comments suggest the four topics proposed for removal are among the most popular answers for retention, would the Province be open to changing it's proposal? It seems almost guaranteed that any finalized list of studies will disproportionately affect and cause transitional delays for some municipalities more than others - not only because certain municipalities have more extensive requirements, but also given that municipalities' required studies are partly reflective of the varied range, scale and needs of their communities, development priorities, geography, ecosystems and so on.
34	Enabling the Minister, by regulation, to specify certified professionals from whom municipalities would be required to accept studies	Clarification is sought for this proposal before Staff can adequately comment or recommend whether to support or not. Among other issues identified for further clarification and consultation: how the Province is defining 'certified professional'; whether certain kinds of studies would have to be accepted from corresponding certified professionals, or vice versa; how much authority would municipalities retain over specifications that submitted studies will have to meet to be considered acceptable; what kind of legislative/regulatory changes to statutory liability are being contemplated, in regards to accepted studies which may need to be revised later on, and/or lead to developments which cause harm or other material problems after being approved.
ERO # 025-0463: Proposed Regulation – As-of-right Variations from Setback Requirements		
Item #	Proposal/Provision of ERO	Staff Comments
35		Proposal to grant as of right variations for setbacks downloads the minor variance process to the zoning examiners within building standards. Many items includes in the consolidated zoning by-law already downloaded a significant increased in workload to the zoning examiners and has doubled the average time required to complete a zoning review. Further downloading of responsibilities cannot be accommodated and will impact the delivery of zoning services, since current job duties of the zoning examiner do not include this discretionary decision making on a per application basis. Job evaluation will be required, and by-law enforcement would have to be consulted on their ability to enforce these variations in the field.
36		Recommendation that Staff could only support these changes if the appropriate resources were put in place to accommodate by-law enforcement's ability to properly and consistently assess the proposed as-of-right variations in the field, otherwise these changes would not be supported.
37		If we have any zoning standards that are minimums for reasons relating to safety such as Fire prevention or Fire fighting matters, staff would need a mechanism to confirm that any variation within 10 % of the zoning by-law is appropriate, but must meet those minimum standards.
38		Staff see an issue for developments that have already received their zoning permissions to reduce the standard required setbacks. Once this policy comes into play, does that mean that all the approved site-specific permissions for setbacks get an addition 10% percent reduction from the site-specific requirements? Need clarifications.
39		Recommendation for clarification that this policy would not apply to sites that already have site-specific approvals.
40		Current examples of residential infill projects are in many cases well beyond a 10% threshold indicated by the Province, and would do little in reducing the number of variance applications for infill applications, which make up a majority of the CoA applications heard in Markham. Variations to setback requirements could also impact requirements related to life-safety (i.e fire or emergency access) and Engineering (swales between houses). Any as-of-right variations would need to be evaluated for compliance with City Standards.
41	Enabling the Minister, by regulation, to permit variation to a zoning by-law to be “as of right” if a proposal is within a prescribed percentage of the required setback (the minimum distance a building or structure must be from a property line) on specified lands.	Would as-of-right variations extent to permissions under 45.2 of the Act related to legal non-conforming? i.e. If a variance was granted under 1226 and the house constructed would it apply that they could get a 10% expansion to the legal non-conforming setback under 2024-19?
42		Staff do not support the proposed as-of-right variance permissions proposed in Bill 17. In 2024, Markham Council enacted a new Comprehensive Zoning By-law that was the culmination of a 10-year, cross commission, City-initiated project that reviewed and evaluated zoning criteria which resulted in new zoning provisions that reflected current development constraints and emerging trends within the building industry. To ease development pressure as expressed by the province, Markham established new setback criteria at minimum acceptable levels to facilitate functional development while ensuring that new development respected and reflected the existing pattern and character of adjacent developments. Staff's concern is that in applying “as-of-right” variances in these instances, the long-term functionality of these developments may be compromised and negatively impact neighbouring lands.
43		Establishing a prescribed percentage for variance, as suggested in the proposed, presents challenges in the context of municipal planning, and it does not account for the complexity of urban planning or the diverse factors that influence the appropriateness of a variance. Automatic reductions in certain kinds of setbacks may have a negative long-term impact on developments. The use of zoning, including setbacks from features, to trigger a minor variance is seen as a less costly and more efficient way of securing necessary studies to satisfy provincial policy. In some instances, the application of zoning provisions that results in a required Minor Variance, are directly related to satisfying requirements of provincial policy. A specific example is that development in certain areas of the Oak Ridges Moraine is restricted and requires environmental assessments prior to the development being permitted.
44		A precursory review of the City's variance applications also suggests that few if any developments will benefit from these amendments, as most applications include variances to additional development standards not addressed through this bill. Each variance application is assessed independently, considering the specific characteristics of the lands in question, available infrastructure, and the surrounding land uses. Staff also noted through consultation with the City's infill builders that no matter what zoning standard is set, as long as the variance process exists, some applicants or owners will pursue a variance to get the maximum size building possible. By allowing as of right variances, the province will be moving the metric from which some variances will be applied from.
45		Staff do not support the proposal, as it will have little or no effect on reducing the number of variance applications, and will have negatively long term impacts on development.
46		The proposed as-of-right 10% reduction in setback requirements could have unintended impacts on parking supply in low-density residential developments. In many cases, the front yard setback provides the space required for driveways and off-street parking. This potentially could lead to vehicle overhanging onto sidewalk or roadways creating potential safety and risk concerns for pedestrian and road users, non-compliance with by-law requirements for minimum parking space and parking space dimensions and increase on-street parking demand.
ERO # 025-0504: Bill 17 – Accelerating Delivery of Transit-Oriented Communities		
Item #	Proposal/Provision of ERO	Staff Comments
47	Expand the TOC definition to include provincial transit projects along GO and LRT networks, and exempt TOC agreements with municipalities and building partners from requiring an Order in Council when certain approvals are already in place	While the implementation of transit oriented communities allows for the advancement of development that will leverage transit investment, development of the plans should align with the local municipalities' vision for the area, or be developed in consultation with municipalities to ensure local priorities can be protected.
ORR # 25-MMAH003: Changes to the Development Charges Act, 1997 to Simplify and Standardize the Development Charge (DC) Framework		
Item #	Proposal/Provision of ORR	Staff Comments
48	Create a Regulation-Making Authority to Merge Service Categories for Development Charge Credits	The impact is unknown at this time as the regulation has not yet been defined. The example provided within the Province's technical briefing compared credits for roads and transit services. It has been the City's practice to apply hard service DC credits to the total hard DCs levied and therefore, this would not impact the City's process. However, hard service credits are not applied against soft service credits, therefore if this is proposed in the regulations, it would impact the City's application of credits.
49		Staff suggest that the merging of credits remain within each respective hard and soft service categories, only (e.g. hard service credits cannot be applied to soft service DCs). Staff request to be included in the discussions with the Ministry of Municipal Affairs and Housing regarding the merging of service categories for DC credits.
50	Create Regulation-Making Authority to	The impact is unknown at this time as the regulation to define a 'local service' has not yet been articulated. However, changes that result in infrastructure being added to development charges, rather than being a developer obligation, will result in an increase in the charge (or vice-versa).

51	Specify What Constitutes a "Local Service"	Staff are generally supportive of a consistent approach to determining what qualifies as a 'local service'. Staff request to be included in the discussions with the Ministry of Municipal Affairs and Housing in developing the 'local service' defintion. If the decision is to transfer local costs to Development Charges, the Province needs to allow municipalities to collect for these increased costs without having to do a brand new background study.
52	Expand the Development Charge Deferral to Non-Rental Residential Developments	The payment of all residential development charges are now payable at occupancy, rather than the issuance of a building permit. The issuance of an occupancy permit cannot be withheld. Delaying the payment of DC's to the issuance of the occupancy permit could mean that the City will be unable to collect the DCs due. The circumstances under which the City may be able to obtain security will be set out in the regulation. In the absence of security, the City has little leverage, particularly with low-rise subdivision developments.
53		Building Standards issues +/- 200 residential occupancies per month. The Finance department will have an increase in workload to accommodate the procedures now occurring at occupancy. There will be costs associated with changing Markham's development permitting and compliance system, which will need to be changed to include the automatic notification of occupancy from Building Standards to Finance, since manual notification cannot be accommodated.
54		Staff see the merits in delaying the payment of development charges to occupancy for high-rise residential developments, as they take several years to build and much of their cash flow is delayed to occupancy and registration. Staff have significant concerns with the delay of DC payment to occupancy for low-rise residential developments. With high-rise residential development, occupancy permits are issued prior to condo registration, therefore a municipality has leverage and can delay regsitration until the charges are paid. Similarly, any unpaid development charges for rental and institutional developments can be added to the tax roll which provides a safeguard to ensure the charge is collected. These measures and safeguards do not exist with the proposal for low-rise residential developments. The municipality has no leverage to be able to collect after occupancy. Occupancy for low-rise developments are typically issued, with closing and transfer to the new homeowner occurring shortly thereafter. Unpaid development charges are legislatively required to be added to the tax roll, however this would place a significant burden on the new homeowner - not the builder who is required to pay the charge.
55		If payment of development charges are delayed until occupancy for non-rental residential, municipalities will experience a significant delay in cash flow which in turn, will impact its ability to fund growth related infrastructure. It is not clear whether municipalities will be able to charge interest up to occupancy.
56		Staff do not support the collection of development charges at occupancy, however if the Province goes ahead and institutes the change, municipalities should be able to collect interest (to the occupancy date) to ensure that growth can pay for growth. Municipalities should also be able to obtain financial security for outstanding development charges.
57		Changes to DC payment and interest rules could have complex financial implications that might reduce DC revenues or increase administrative burdens for municipalities. Also, the increased pace of development, without corresponding increases in funding for municipal services, could strain existing infrastructure and necessitate greater municipal investment without adequate provincial support.
58	Changes to Reduce DCs	Staff are supportive of this proposal to enable municipalities to amend a DC by-law in instances where rates are reduced or indexing being removed, without having to proceed with certain legislative requirements (e.g, prepare a background study or hold a public meeting).
59	Create a Regulation-Making Authority to Limit Eligible Capital Costs	The proposal is to prescribe limits/exceptions on capital costs that are eligible to be recovered through DCs. The inclusion of land as a capital cost has been highlighted for review in previous legislative amendments. Land is a significant component of services such as recreation, fire, and library, and therefore could drastically reduce the City's DC recovery. The City projects future land purchases to 2031 to average \$25.7M annually for roads and structures, and \$17.8M for soft services such as recreation, fire and library. If land is removed or capped as an eligible capital cost, the City will require funding from other sources such as property taxes, which could see a significant financial burden of growth-related cost being placed on the existing taxpayer.
60		The limit on certain eligible capital costs such as land, could have a significant impact on a municipality's ability to fund growth-related infrastructure. In turn, this would place the burden on the existing taxpayer unless other methods of recovery are provided by the Provincial Government. Any limits explored should be reflective of the actual costs of capital within each particular municipality (i.e. limits on land costs should be reflective of land costs within that particular municipality). Staff request to be included in discussions with the Ministry of Municipal Affairs and Housing in reviewing the limits to eligible capital costs.
61	Changes to the Application of the DC Freeze	Staff are supportive of this proposal to have developers pay the lower of the frozen rate plus interest (when DC rates are frozen at site plan and zoning amendment application with interest being added thereafter), or the prevailing rate. This has already been the City's ongoing practice, therefore this change will not impact current processes.
62	Exempt Long-Term Care Homes from Development Charges	While Staff are supportive of finding ways to encourage the development of long-term care facilities, the exemption would result in a reduction to DC revenues which will have to be recouped through other sources. Currently, the City has one development which would be immediately impacted by the exemption, which would result in a loss of DC revenue of approximately \$4.4M plus interest. Staff request clarity on whether other funding sources will be provided to offset the loss in revenue, and whether this exemption could apply potentially only to non-profit long-term care facilities.
ORR # 25-MMAH004: Eliminate Secondary Approvals for Innovative Construction Materials		
Item #	Proposal/Provision of ORR	Staff Comments
63	Remove the requirement for a Minister's Ruling for products approved by the CCMC	Staff support all proposed changes to streamline the Minister's Rulings process for construction products.
ORR # 25-MOI003: Bill 17 – Amendments to the Ministry of Infrastructure Act, 2011		
Item #	Proposal/Provision of ORR	Staff Comments
64	Permit the Minister authority to direct a municipality or agency to provide info or data to support a provincially-funded project	Staff support the opportunity for municipal data tracking across the Province, where that data collection is automated through open data. Manual collection of data is inefficient and lends to errors and omissions of data.
ORR # 25-MTO006: Bill 17 – Amending the Metrolinx Act, 2006		
Item #	Proposal/Provision of ORR	Staff Comments
65	Permit the Minister to request info and data from municipalities or agencies to support provincial transit projects or TOCs	Staff support the opportunity for municipal data tracking across the Province, where that data collection is automated through open data. Manual collection of data is inefficient and lends to errors and omissions of data.
Non-Regulatory Proposals from Technical Briefing - Protect Ontario by Building Faster and Smarter Act, 2025		
Item #	Proposal/Provision	Staff Comments
66	Changes made to O. Reg. 232/18 - Inclusionary Zoning	Clarification needed as to whether a minimum amount of inclusionary zoning units is required. In addition the length of time for requiring inclusionary zoning should be a fixed amount, as opposed to a maximum amount.
67		There should be a definition of 'affordable' units, either market or income based so that these units reflect their local community. Noting this as the Province has not included this defintion in the regulatory change.
68	Proposals to speed up transportation permitting and harmonize road construction standards	This could be an opportunity to coordinate MTO's review timeline for development applications and ensure that they are aligned with the municipal review process.
69		Although streamlining road construction standards is efficient and effective, it would be good to consider that it could lead to drastic changes in standards for some municipalities, and some flexibility should be available to suit the conditions of certain sites/municipalities.
70	Proposal to clarify that municipalities do not have the authority to require their own building construction standards beyond the Building Code	Municipalities may be unable to implement and enforce local environmental standards that go beyond the provincial building code. This may undermine local climate action plans and community sustainability goals, potentially leading to less energy-efficient and environmentally-sound developments. This may require more coordination with municipalities.
71		Building Standards S.35 of the BCA restricting municipalities from passing by-laws-laws or imposing conditions around construction standards has been in place for some time. The proposed change would further reinforce this restriction and impact City standards (such as Sustainability Metrics, Accessibility, Infill, Tree Protection, location of Fire Route etc.) that go above the minimum standards in the Building Code which affect the issuance of building permits.
72	Standardizing and automating municipal data tracking for land use planning, building code and permit applications	Staff support the opportunity for municipal data tracking across the Province, where that data collection is automated through open data. Manual collection of data is inefficient and lends to errors and omissions of data.
73		The province wants to implement municipal data tracking/IT solutions, inclusive of AI and digitization technology. Unclear of what the implications of this are, it is best if this type of system is simple and easily implemented into the current systems that the municipality is using. For municipalities that currently do not have these types of technology used, it can pose many challenges in how this tracking is developed and managed and introduces a certain level of uncertainty.
74	Consulting on more flexible design/construction options for single-unit four storey townhouses	Staff do not support code research efforts geared towards single unit four storey townhouses. This product type is not affordable to the consumer, nor does it support dwelling unit growth. Code research resources are limited and would be better suited in solutions to multi unit building types.
75		Single 4 storey townhouses do have some code issues, however from a housing supply and affordability lens these types of buildings are not affordable to the general public and only generate 1 dwelling unit. Limited code research resources that the province has should be geared towards more affordable solutions, such as the single exit for multiple dwellings issue or multiple dwelling 4 storey units.

76	MMAH consulting on making provincial policy tests inapplicable to all of the Minister's decisions under the Planning Act.	Much further extensive consultation and clarification will be sought for this proposal. Even though the Province states that this reform would not be intended for broad, routine use, with a transparent and accountable oversight framework developed to support implementation, there will be a multiple of details to discuss and concerns to be addressed if the intent truly is to ensure that such a reform wouldn't undermine developments, plans, strategies and other efforts to conform to provincial tests and achieve provincial policy goals, as well as to avoid the 'power creep' which has gradually expanded similarly exempting Ministerial authority (e.g. MZO's, with several provisions in Bill 17 being examples of such expansion).
77	Consulting with municipalities on legislative and regulatory changes to official plans by establishing simplified, standardized and inclusive land use designations	The province should primarily focus on establishing simplified, standardized and inclusive land use designations in official plans for areas where there is a clear provincial priority, for example Higher Order Transit Corridors.
78		While in the abstract there could be many efficiencies and advantages to be gained from standardizing more inclusive and simplified land uses, the success of this proposal will likely be very dependent on how it is developed and executed, as poorly managed implementation could lead to transition difficulties, OLT appeals and other significant delays for virtually any and every municipality. Issues which may arise and necessitate careful forethought include the extent of designations contemplated for reform, the statutory vehicles (e.g. legislation, regulations, policy statements, consultation forums) used for decision-making and execution, implementation timing to best ensure strategic alignment of other legislative changes which will also prompt or require updates to official plans, and transition regulations which clearly delineate how and when new standardized designations will come into effect, as well as how they would affect ongoing development applications, existing secondary plans and other municipal plans/strategies, etc.