



Comments on Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025

Development Services Committee

June 10, 2025

Background

- Protect Ontario by Building Faster and Smarter Act, 2025 (Bill 17) introduced on May 12, 2025
- The Bill impacts several Acts:
 - The Planning Act, R.S.O 1990;
 - The Development Charges Act, 1997;
 - The Building Code Act, 1992
 - The Building Transit Faster Act, 2020
 - Transit Oriented Communities Act, 2020
 - Ministry of Infrastructure Act, 2020
 - Metrolinx Act, 2026;
 - City of Toronto Act, 2006
- 9 items are posted on the ERO/ORR with a commenting deadline of June 11, 12, and 26
- Bill 17 received Royal Assent on June 5, 2025


Technical Briefing and Related Initiatives

- Implementation of new Inclusionary Zoning requirements, in Ontario Regulation 232/18, to establish a maximum 25-year period for inclusionary zoning units and a 5% cap on the set aside rate. **(In-effect)**
- Exemption on case-by-case basis from applying provincial policy tests to a Minister's decision under the Planning Act (e.g. approval of official plans).
- Targeted outreach to municipalities where additional population growth is projected to surpass current official plan estimates.

Building Transit Faster Act, 2020

Amendment adding a new definition of “provincial transit project” to mean any “transit project that Metrolinx has authority to carry out”, expanding application of the BTFA to all provincial transit projects.


Proposed changes recommended for further consultation with municipalities:

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- The Province establish a formal process for consultation and coordination with municipalities in the development of provincial transit projects and management of construction activities including traffic management plans
 - The Provincial work collaboratively with the City to monitor local impacts, provide regular project updates, and ensure timely notification to stakeholders and the public.

Planning Act

Several amendments affecting MZOs and planning approval for schools.

Proposed changes recommended for further consultation and clarification with municipalities:

-  The Province require formal consultation to demonstrate that local transportation policies and plans are considered and aligned before issuing MZOs or imposing conditions that may adversely impact transportation systems
- The Province clarify and provide further guidance on how MZO conditions will be cleared, to whose satisfaction, and provide a specific list of items that can be conditioned
- The Province ensure school sites are not located in areas that are not appropriate for sensitive land uses

Proposed Regulations – Complete Applications

Amendments to limit complete application requirements to those identified in official plans or approved by MMAH, and to regulate studies required for a complete application and specify professionals for which municipalities would be required to accept studies.

Proposed changes not supported by staff:



- Regulations that would 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

Proposed changes recommended for further consultation with municipalities:



- If the Province proceeds, at a minimum sun/shadow and wind impact studies should be required for Zoning By-law Amendments and Site Plan Control Applications
- The Province partner with Ontario municipalities and practitioners on common practices and criteria for urban design studies to ensure consistency across all jurisdictions
- The Province provide more details on the process and requirements for certifying professionals for which municipalities would be required to accept studies

Proposed Regulation – As-of-right Variations from Setback Requirements

Amendment to enable the Minister of Municipal Affairs and Housing to permit, by regulation, "as-of-right" variation to a zoning by-law if a proposal is within a prescribed percentage of the required setback on specified lands.

Proposed changes not supported by staff:



- Changes to the Planning Act to enable the Minister of Municipal Affairs and Housing to permit setback variations from the zoning by-law within a prescribed percentage

Proposed changes recommended for further consultation with municipalities:



- The Province limit the applicability of the proposed legislation to existing developments with reduced zoning setbacks and legal non-conforming uses

Transit-oriented Communities Act, 2020

Amendments expand 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 if certain other approvals are already in place.

Proposed changes generally supported by staff:



- Where the implementation of Transit Oriented Communities aligns with the municipal visions or plans are developed in consultation with the municipality to ensure local priorities are protected

Development Charges Act

Amendments include a streamlined process for DC by-law amendments in instances where DC rates are reduced - ***in effect***.

Provisions have also been added with respect to the application of the DC rate freeze, where collection is based on the lower of (1) the frozen rate plus interest or, (2) the prevailing rate - ***in effect***.

Proposed changes supported by staff:

- Streamlining the by-law amendment process in certain instances will make it easier for municipalities to amend by-laws (e.g. to reduce rates, repeal indexing) without the requirement of a Background Study.
- Application of the DC rate freeze/indexing matches the City's current practice.




Development Charges Act

Long-term care (LTC) homes will be **exempt** from development charges with no requirement to pay future instalments – ***in effect***.

Development charges for all residential development will not be payable until **occupancy** – ***not in effect; date to be determined***.

Proposed changes **not supported** by staff:

- Staff do not support the exemption of long-term care homes, but would be amendable if the exemption applies to non-profit LTC developments only.
-  Delaying the payment of residential DCs to occupancy will negatively impact the City's cash flow which may impact the ability to fund growth-related infrastructure. It requires new processes to be implemented, and significantly increases the administration required in the assessment / collection process. Should the Province institute this change, staff recommend interest be levied to the date of payment (e.g. occupancy), and security be permitted to ensure payment of the outstanding amount.

Development Charges Act

Proposed changes requiring further consultation with municipalities:

- Proposed regulatory changes including:
 - Determination of limits and exceptions to eligible capital costs, such as land
 - Methodology to be prescribed in calculating the 'benefit to existing' (e.g. benefit of new infrastructure on existing development)
 - Definition of 'local services' to standardize what is captured under local service infrastructure policies versus development charges
 - Permit grouping of service categories for DC credits (e.g. road credits to transit DCs)
- Potential development of a public utility model for the expansion of water and wastewater infrastructure.



Development Charges Act

Proposed changes requiring further consultation (*Continued*):



Many of the proposed changes to take effect through regulation could:

- Limit the City's ability to adequately recover costs related to growth
 - Lead to the transfer of infrastructure costs to the existing tax base or other funding sources
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- Staff do not support any changes to the development charge regime that will move growth related costs away from developers and onto existing residents and businesses.
 - Staff request to be included as part of any working group formed to discuss the proposed regulatory changes and public utility model to ensure that the tenet of growth paying for growth is reflected within any regulatory changes / utility model.


Eliminate Secondary Approvals for Innovative Construction Materials

Amendments to the Building Code Act and Ontario Building Code would remove the Minister's Ruling requirement and associated application fees for innovative products already evaluated.

Proposed changes supported by staff:

-  All amendments which would streamline the Province's approval process for innovative construction products and materials.

Proposals Not supported by staff:

-  Building Code research efforts geared towards single unit four storey townhouses as these units are not affordable and only generate one dwelling unit. The Province should dedicate Building Code research resources to more affordable housing solutions

Metrolinx Act and Ministry of Infrastructure Act

Amendments to provide the Ministers of Transportation and Infrastructure with the authority to request information and data from municipalities or municipal agencies which may be required to support, respectively, the development of provincial transit projects and Transit-oriented Communities or implementation of a project funded by the provincial government.

Proposed changes supported by staff:



- Opportunities for municipal data tracking by the Province across all jurisdictions, where data collection is automated through open data.



Next Steps

- Staff to submit comments to Province on Bill 17
- Participate in future consultation and engagement with the Province



Thank you!