



# Staff Report to Council - for Direction

**Title:** Proposed Bill 17: Protect Ontario by Building Faster and Smarter Act, 2025

**From:** Jack Van Dorp, Director of Planning and Development

**Date:** June 5, 2025

**Report Number:** PD-2025-011

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## Staff Recommendation:

That staff be directed to submit the comments in pages 2-8 of this report (Report PD-2025-011) to the Province through the Environmental Registry of Ontario and Regulatory Registry of Ontario; and

That the Clerk circulate a copy of this report to local municipalities in Bruce County as correspondence.

## Report Summary:

On May 12, 2025 the provincial government tabled Bill 17, the *Protect Ontario by Building Faster and Smarter Act* and initiated consultation on a number of matters within the Bill as outlined in the table below. Comments are being accepted through the Environmental Registry of Ontario and Regulatory Registry of Ontario with the deadlines noted in the table.

This report discusses changes relevant the County and its local Municipalities. Staff prepared the below draft comments for consideration.

Proposal Title / Link	Summary of the Proposal
<a href="#">Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)</a>  Deadline: June 26, 2025	Range of changes including minor variances, complete application requirements, conditions for Minister's zoning orders, exemption for portable classrooms from site plan control, and permission for public schools on residential land.
<a href="#">Proposed Regulation- As-of-right Variations from Setback Requirements</a>  Deadline: June 26, 2025	Regulation-making authority to reduce planning applications for minor variances, allowing variations to zoning by-laws within a prescribed percentage of the required setback on specified lands.

Proposal Title / Link	Summary of the Proposal
<a href="#">Proposed Regulations- Complete Application.</a> Deadline: June 26, 2025	Proposal to regulate complete application requirements, limiting study/report requirements to those identified in municipal official plans, with potential exclusions for sun/shadow, wind, urban design, and lighting studies.
<a href="#">Changes to the Development Charges Act, 1997 to Simplify and Standardize the Development Charge (DC) Framework</a> Deadline: June 11, 2025	Regulation-making authority to merge service categories for DC credit, define local services, defer DC payments, amend DC by-laws, and exempt long-term care homes from DCs.
<a href="#">Eliminate Secondary Approvals for Innovative Construction Materials</a> Deadline: June 11, 2025	Legislative and regulatory changes to remove the Minister's Ruling requirement for innovative construction products evaluated by the Canadian Construction Materials Centre (CCMC), speeding up approval processes and reducing costs.
<a href="#">Amendments to the Ministry of Infrastructure Act, 2011</a> Deadline: June 11, 2025	Authority for the Minister of Infrastructure to direct municipalities to provide information or data necessary for provincially funded projects, ensuring timely delivery and accelerating property negotiations.

### Background/Analysis:

The proposed legislation reflects ongoing provincial government efforts to facilitate development by addressing potential delays and reducing costs.

### Review of proposed Regulatory Postings:

#### PLANNING ACT / CITY OF TORONTO ACT CHANGES

##### *Background*

This bill proposes a range of legislative changes that would establish regulatory authority for as-of-right variances to zoning by-laws, complete application requirements, conditions for Minister's zoning orders, exemption for portable classrooms from site plan control, and permission for public schools on residential land.

##### *Analysis and Proposed Comments*

Bruce County appreciates the efforts of the province to streamline the review and approval process to advance important projects, and the appeal of system-wide changes to support swift implementation.

Regarding Educational Facilities, we offer the following comments:

We understand the desire to extend exemptions from site plan control for portables on school sites developed before 2007 to all school sites. We encourage the province to plan for and appropriately resource investment in educational facilities to reduce reliance on portable classrooms.

We also note the recent direction for educational facilities in the Provincial Planning Statement, 2024:

*Planning authorities, in collaboration with school boards, should consider and encourage innovative approaches in the design of schools and associated child care facilities, such as schools integrated in high-rise developments, in strategic growth areas, and other areas with a compact built form.*

Proposed legislative changes may provide more as-of-right opportunities for locating schools, but may also impact the quality of locations and collaboration between school boards and municipalities on the infrastructure needed to support good community outcomes. Regular dialogue between school boards and municipalities are key to understanding community growth pressures, school expansion plans and childcare facilities.

Regarding conditions for Minister's Zoning Orders (MZOs):

We understand that sometimes approval "in principle" is appropriate, but more needs to be done - for example, to address infrastructure capacity or technical requirements - before development proceeds. We appreciate the capacity for holding provisions, land division or variance conditions, and agreements to address these matters that are under municipal jurisdiction. We understand the province contemplating authority to establish conditions relative to the use of Minister's Zoning Orders, in an effort to increase transparency and accountability where this tool is applied. If enacted, we would encourage the province to engage with affected parties including First Nations when such authorities are exercised to ensure that conditions are appropriate to the project and its context.

Comments regarding as-of-right variances and complete applications are provided under their specific respective postings.

## PROPOSED REGULATIONS FOR AS-OF-RIGHT VARIANCES FROM SETBACK REQUIREMENTS

### *Background*

The Planning Act is proposed to be changed to allow the Minister to create regulations defining as-of-right variations from zoning provisions.

This posting consults on a proposed regulation that would permit setback variances of 10% as-of-right (for example, a 5 metre front yard setback would effectively become a 4.5 metre front yard setback)

The provisions would apply only to parcels of urban residential land (essentially, lands in settlement areas with water and sanitary sewer services which are zoned to permit residential use(s) as a primary use). They would further be restricted to lands outside the greenbelt, hazard lands, and lands near shorelines.

The posting requests feedback on other potential variances such as height and lot coverage.

### *Analysis and Proposed Comments*

We understand the province's intention to streamline the development review and approval process and address common causes of applications that can extend the development review timeline.

The proposed regulation would appear to increase flexibility and facilitate more development, however it may have a very limited impact on the volume of planning applications: Since 2020, Bruce County has completed processing 251 zoning and variance applications on behalf of local municipalities; of these, only one sought variance(s) of less than 10% from the zoning by-law; this application was not for a parcel of 'urban residential land' as it was a privately serviced property near a shoreline.

Local Municipalities in Bruce County have been reviewing and updating zoning provisions to provide opportunities for development 'as-of-right.' Provincial override provisions will increase the administrative responsibilities for zoning administrators.

If the province does proceed with regulations that establish percentage-based variances as-of-right, we would suggest consideration of:

- Applying the regulation to parcels of urban residential land that are within the greenbelt plan; this would allow for uniform application in communities like Wiarton, of which part is within the Niagara Escarpment Plan (NEP) and part outside of the NEP;
- Applying the regulation to other residential lots within settlement areas (e.g. not limiting application to fully-serviced lots) while maintaining important setbacks from conflicting uses;
- Applying the regulation where development is permitted in or adjacent to hazard and shoreline areas, but not where the setback to the hazards/water body would be decreased;
- Applying a similar provision to height, to some maximum threshold that would be consistent with municipal firefighting capacity that reflects rural and urban contexts;
- Not using regulations to permit as-of-right increases for lot coverage, as these could result in significant cumulative impacts to stormwater management infrastructure;
- Potential implications for legal non-conforming uses, currently regulated under Sections 34 (9) and (10) and 45 (2) of the Planning Act;
- Setbacks that would be included in the regulation; for example could it be interpreted to include:
  - Permitted encroachments into required yard setbacks (chimneys, eaves, decks, etc)
  - Lot line setbacks for Sight Triangles
  - Lot line setbacks to Arterial roads setbacks
  - Lot line setbacks adjacent to provincial highways
  - Setbacks from driveways or parking areas to lot lines
  - Primary vs accessory buildings
  - Buildings with one or more residential units or any buildings on lands that permit residential uses as a primary use

- Setbacks from lot lines between urban residential land and industrial or other incompatible uses in accordance with provincial guidelines
- Safety factors for separating buildings under 15 square metres that are not regulated by the OBC
- Applying the regulations only to by-laws passed prior to the date the regulation comes into force and effect, and/or providing that Councils may readily amend by-laws to reflect the regulations that are in effect and note as such, as this would increase transparency for the public regarding applicable setbacks to various properties.
- Application of the regulation to areas within community planning permit systems, which may have their own variance permitting functions. The Bill 17 Technical Briefing indicates further plans to “consult with municipalities on proposed legislation/regulatory changes needed to establish simplified, standardized and inclusive designations ... that would be more predictable and faster for developers and approvers, especially if coupled with moving toward a permit-based system for zoning.” Application of as-of-right exemptions to these by-laws may affect the business case for investing in these systems.

We appreciate the interest of the province in streamlining approval processes, and understand the appeal of making system-wide changes that can support swift implementation. We encourage the province to consult further with municipalities on zoning reforms to support their clear and effective implementation.

## PROPOSED REGULATIONS FOR COMPLETE APPLICATIONS

### *Background*

The Planning Act is proposed to be changed to allow the Minister to create regulations defining what may or may not be required to be submitted as part of complete applications, prescribed professions whose submissions are deemed to meet the requirements, and to require the Minister’s approval before sections of Official Plans detailing complete application requirements are adopted.

This posting consults on a proposed regulation that could include matters excluded from information requirements, such as Sun/Shadow, Wind impacts on surrounding areas, Urban Design / alignment with Urban Design guidelines, and Lighting studies. The posting queries whether regulations could identify the only studies that may be required for an application / type of applications.

### *Analysis and Proposed Comments*

We understand the province is concerned about the breadth and scope of information requirements to support developments, the time that can be tied up in peer reviews, and the appeal of system-wide changes to support swift implementation. In respect of complete applications regulations, we offer the following comments:

- We encourage the Minister to provide a list of studies that can be readily incorporated into Official Plan ‘complete application’ requirements, potentially reducing the timeline required for approvals. This is particularly important for communities advancing new Official Plans to completion, as the proposed approach would require the Minister’s

approval of application requirements before the plan is adopted, and then the Minister's approval of the plan.

- We encourage the province to consider whether it intends for the Minister to approve complete application requirements for all plans, including local Official Plans for which approval is otherwise delegated to upper tier municipalities.
- It is important that Municipalities be able to request the information that they need to make good decisions for their communities.
- The built form in Bruce County and its local communities is such that shadow and wind impacts arising from development have rarely been a factor; however, these could become more important as we work to support density and intensification; shadow studies could also be important for municipalities considering whether to support new wind energy systems to meet Ontario's growing electricity requirements.
- Urban design is important to creating vibrant and attractive communities.
- Lighting plans are important to address offsite impacts from development, and to support energy conservation by lighting what needs to be illuminated, and nothing else.
- As an alternative to ruling out entire categories of information, we suggest the province engage with Municipalities and Industry professionals to produce standard terms of reference. These could:
  - Define the scope of information requirements relative to project scale
  - Allow for impacts and potential for mitigation to be understood
  - Allow reviews to focus on the outcomes of information, rather than whether its all there.

In respect of studies by prescribed professions, we offer the following comments:

- While the scope and duration of peer review can be a problem, issues with studies can relate to a range of factors. These can include disagreements with respect to the scope or terms of reference, alignment of recommendations with municipal standards, ability of a municipality to implement recommendations, and errors in assumptions, data, or differences in professional opinion with respect to conclusions.
- We suggest that addressing the root causes of issues through improved standards for terms of reference, pre-submission consultation to confirm the applicable municipal standards and implementation capacity, and provision for review, questions, and revisions to studies would be preferable to municipalities being compelled to accept first submissions as 'complete,' the effects of which could be:
  - More applications refused and advanced to the Ontario Land Tribunal;
  - Harm to communities associated with errors that are not addressed;
  - Lawsuits to recover damages
- Increased standardization of terms of reference and study frameworks could provide more opportunities for technical professions such as Certified Engineering Technicians to enhance their scope of practice.

We encourage the province to consult further with municipalities and with professional organizations that could be prescribed if it moves forward to implement regulations related to complete applications and prescribed professions.

## CHANGES TO THE DEVELOPMENT CHARGES ACT, 1997 TO SIMPLIFY AND STANDARDIZE THE DEVELOPMENT CHARGE (DC) FRAMEWORK

### *Background*

The Development Charges Act is proposed to be changed to:

- Create Regulation-Making Authority to Merge Service Categories for Development Charge Credit (where builders construct infrastructure for a Municipality) - e.g. roads and transit
- Create regulation-making authority to define 'Local Services' that can be required as part of a development (but which cannot be subject to DC credits)
- Create regulation-making authority to except capital costs including conditional exceptions for things like acquiring or improving land
- Permit Deferrals of development charges from building permit to occupancy
- Permit Payment Plans with no interest payments
- Enable Municipalities to lower Development Charges without having to go through the full Development charges preparation process and public consultation
- Exempt Long-Term Care homes from Development Charges

### *Analysis and Proposed Comments*

We understand that the province has concerns with the costs associated with funding growth-related infrastructure. We appreciate the increased funding commitments that the province has been making to support municipal infrastructure projects, including the Building Faster Fund and the Housing Enabling Water Systems Fund.

The changes are designed to reduce Development Charges (DCs) paid by developers, whether by making it easier for municipalities to reduce development charges, for developers to pay the lowest rate in effect, to pay at occupancy vs building permit, and to pay in installments without interest, and for Long Term Care facilities to be exempted outright. Further changes could reduce DCs by exempting categories of costs including land.

We recognize that access to other funding sources for significant capital projects otherwise funded by DCs may provide an opportunity to reduce DCs, and that some DCs may relate to services that are not demanded until units are occupied; however, much of the reductions to development charges relate to municipalities assuming greater administrative responsibilities and interest-related costs instead of developers.

We encourage the province to consider providing Municipalities with stable access to capital at low to no interest so that municipalities can predictably plan and execute infrastructure projects that are tied to their asset management plans.

We also encourage the province to maintain municipal capacity to cover costs such as land required for growth related infrastructure and provide alternative funding to cover the growth-related costs associated with long-term care facilities which can be heavy users of infrastructure and paramedic services.

We appreciate the intent of the province to further define local services which may be required to be constructed as part of a development vs being recovered through development charges.

## **ELIMINATE SECONDARY APPROVALS FOR INNOVATIVE CONSTRUCTION MATERIALS**

### *Background*

This posting proposes to speed up the approval process and reduce costs for new building materials by removing the Ontario requirement for a Minister's Ruling for innovative construction products that have already been evaluated by the Canadian Construction Materials Centre (CCMC) before they can be used in Ontario.

### *Analysis and Proposed Comments*

We recognize the efforts of the province to reduce duplication in regulatory processes, facilitate in-Canada trade, and bring new materials to market to support Ontario's growth.

### **Financial/Staffing/Legal/IT Considerations:**

There are no direct considerations associated with this report.

If enacted, changes could increase rates of growth, with a positive impact on assessment, however there may be impacts to quality of life, demand for services, and/or municipal capacity to recover costs associated with growth through development charges or assessment.

### **Interdepartmental Consultation:**

Government Relations - preparation of comments

Corporate Services - review of changes to Development Charges Act

Staff convened two calls to brief local municipal staff and obtain local perspectives on the proposed legislative changes.

### **Link to Strategic Goals and Objectives:**

Community and Partnerships - Enhance and grow partnerships

Growth and Innovation - Promote responsible growth



**Link to Departmental Plan Goals and Objectives, if any:**

Engagement on legislative change is a priority in the Planning Services Agreements between the County and local municipalities.

**Report Author/Departmental Approval:**

Jack Van Dorp, Director of Planning

**Approved for Submission:**

Claire Dodds, Commissioner of Community Development

**Attachments:**

None