

Bill 17- Town of Halton Hills Comments

Thank you for the opportunity to provide comments on the proposed Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025*. Due to the limited timelines provided to review the proposed legislative changes, the comments provided are to be considered preliminary. Further comments may be provided once staff has an opportunity to complete their review and report to Council. In the future, providing a longer comment period would be helpful for municipalities to provide meaningful comments on ERO postings of this nature. Longer comment periods also allow for municipal staff to bring the proposals to their Councils for review and consideration before comments are due. This also gives municipal staff the opportunity to provide comments which are endorsed by Council and considered final.

Town staff understand that due to current economic challenges, including those pertaining to international trade, and the current housing crisis, it is important that the Province of Ontario strives toward making it faster to build new homes and infrastructure like transit, roads, and water and wastewater systems. Town staff offer the following comments on the ERO and RR postings related to the proposed Act.

Proposal #: 25-MMAH003 – Changes to the Development Charges Act, 1997, to Simplify and Standardize the Development Charge (DC) Framework.

1. Create a Regulation-Making Authority to Merge Service Categories for Development Charge Credits

- This amendment could cause confusion and may not be transparent to the development community depending on the intent of grouping service categories. For example, a road DC credit should be applied to road services; not to another unrelated service category such as recreation & parks.
- However, if the intent is to provide more flexibility in Transit-oriented communities, the ability to merge Road and Transit DCs would be considered acceptable given the goal of the services (i.e. to provide Transportation) are aligned. Combining services could have cashflow implications where funds held in a reserve for a service not originally included in a credit agreement would be reduced, which could delay the timing of projects.

2. Create Regulation-Making Authority to Specify What Constitutes a "Local Service"

- The financial impact of this legislative amendment is difficult to comment on without additional details, however, this change has potential to significantly impact the Town.
- If the new definition of local service does not align with the Town's current Local Service Policy, this change could impact the Town's Capital Plan by requiring additional infrastructure to fall to the Town's responsibility.

Depending on the regulation's definition, this could have unintended impacts by increasing the overall funding requirements for DCs as additional growth-related capital costs become the Town's responsibility.

3. Expand the Development Charge Deferral to Non-Rental Residential Developments

- Collection of DCs at building permit issuance have been integrated into the Town's long-range financial plan. Delaying the collection of all residential DCs to occupancy will negatively impact the Town's collection timing and cashflow.
- Delaying DC collection will likely have negative consequences if there is inadequate funding available to move along required growth projects, or continued delays in the availability of funding are experienced or made worse.
- This change will have a significant impact on the administration and collection processes, as well as introduce additional confusion for developers trying to navigate the process that has been made much more complex in recent years due to legislative changes.
- Removal of municipal authority to withhold building permits in cases of non-payment will create risk for cases where occupancy occurs illegally without payment of DCs, and create additional financial burden and legal costs for municipalities to recover unpaid amounts.

4. Changes to Reduce DCs

- The Town has no comments with this amendment.

5. Create a Regulation-Making Authority to Limit Eligible Capital Costs

- The financial impact of this legislative amendment is difficult to comment on without additional details, however this change has potential to significantly impact the Town.
- Exempting/excluding recoverable costs will further reduce Municipalities' ability to recover the costs of growth.
- The Regulatory Registry has identified Land costs as a potential area for review. Land represents a significant portion of the DC recoverable costs for many capital projects and their removal or delay in recoverability will hinder project financing and project viability.

6. Changes to the Application of the DC Freeze

- The Town has no comments with this amendment.

7. Exempt Long-Term Care Homes from Development Charges

- The Town agrees that supporting long-term care homes is an important Provincial objective however the impact of full exemption will further reduce the Town's ability to recover the cost of growth.
- Many LTC projects receive provincial construction funding and grants/subsidies that are intended to support developers in paying eligible costs of development such as municipal fees, and development charges.

ERO 025-0461- Proposed Planning Act and City of Toronto Act, 2006 changes

General Comments:

- Staff have great concerns regarding the potential limitations imposed on the Town's ability to request additional studies beyond those explicitly listed in the Official Plan and potential future limitations imposed through regulations to request critical studies listed in the Official Plan. In addition, the Town has expressed concern with the proposed regulation-making authority that could provide for variations to zoning by-laws to be permitted "as of right" if a proposal is within a prescribed percentage of the required setback. Comments on these two proposals have been provided through ERO postings 025-0462 and 025-0463.
- The following comments are specific to the proposals to allow the Minister of Municipal Affairs and Housing to impose conditions (i.e., on municipalities or proponents) that must be met before a use permitted by a Minister's zoning order comes into effect, and to streamline Planning Approval for Schools.

Minister's Zoning Order

- In situations where MMAH issues a Minister's Zoning Order, it is critical that certain conditions imposed by the local municipality related to specific development applications such as addressing environmental risks be included in these agreements.
- Agreements should consider local planning priorities such as preserving affordable housing, economic development initiatives, protecting key natural heritage features, supporting active transportation, and integrating land use with mobility.
- The Town urges that these agreements be drafted in collaboration with local municipalities to ensure that development proceeding through a MZO continues to meet provincial and local land use planning objectives and requirements.

Streamline Planning Approval for Schools

- Staff have no major concerns regarding the streamlining of planning approvals for schools, provided municipalities retain the ability to review and update zoning by-laws to implement appropriate regulations, such as setbacks, height, lot coverage, and other relevant design standards that may be necessary. It is important to note that given the planning process that the Town follows in collaboration with the school boards, school sites are generally identified in advance with the appropriate set backs.

ERO 025-0462- Proposed Regulations- Complete Application

General Comments:

Staff have great concerns regarding the potential limitations imposed on the Town's ability to request additional studies beyond those explicitly listed in the Official Plan. Currently, the Official Plan identifies specific studies that may be required as part of an application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, Consent, or Site Plan. Importantly, the Plan also includes a provision stating that "other information or material may be required by the Town, in consultation with the Region and other applicable agencies, in response to a particular development proposal."

If the bill is passed, this flexibility would be eliminated, restricting the Town to request only the listed studies and granting the Province regulation-making authority that would enable the Minister of Municipal Affairs and Housing to further regulate the reports or studies required as part of a complete application. This would significantly hinder the Town's ability to respond appropriately to unique or unforeseen issues associated with complex development applications.

Limit complete application (studies/reports) requirements:

In order for staff to properly evaluate the merits of a development proposal, particularly infill development, access to additional studies such as urban design briefs, sun/shadow impact analyses, photometric lighting plans and any other studies that may be required based on the development proposal are essential. These studies provide critical insight into how a proposed development may affect the surrounding established neighborhood and how it can be appropriately integrated into the existing built environment. The Town should continue to have the ability to request these studies, without this ability, staff will be limited in conducting a comprehensive assessment of a proposal's impacts and compatibility which could lead to risks for the developer and the municipality.

Studies that should be identified as being permitted to be required by municipalities as part of a complete application

The following studies are listed in the Town's Official Plan as supplementary information requirements for complete applications, and should continue to be required by the Town where applicable:

- Land Use Planning Report
- Market Impact Study
- Agricultural Impact Assessment (AIA)
- Hydrogeological Assessment
- Stormwater Management Report

- Servicing Study
- Traffic Impact Assessment
- Archaeological Assessment
- Cultural Heritage Impact Statement
- Tree Preservation Plan/Study
- Environmental Site Assessment (Phase I and II)
- Land Use Compatibility Assessment
- Noise Impact and Vibration Study
- Green Development Standards Checklist
- Subwatershed Impact Study/Environmental Implementation Report
- Construction Management Plan
- Zoning By-law Amendment or Minor Variance approval

These studies will ensure that development proceeds in a safe manner and that impacts to the community are minimized and mitigated. They cover a wide range of potential impacts of proposed development at different stages, from initial site alteration, to construction and operation of a new built form. Successful completion of these studies provides assurance to municipalities that the proponents of development will take the appropriate measures to mitigate the impacts of their projects on surrounding land uses.

In addition to what is listed in the Town's Official Plan, other studies are required as needed, with the same intent. For instance, photometric plans provide lighting information for Site Plan applications helping to mitigate light impact to adjacent properties, specifically where a mix of land uses are present. The light levels from industrial, commercial or institutional properties, which may be necessary to provide safe operation of a loading and unloading of products, may significantly impact an adjacent residential property. Often impact issues can be avoided through the review of lighting information and creating a standard that requires the use of light fixtures that incorporate shielding.

Urban Design Briefs, as another example, provide a direct link to urban design policies found in municipal Official Plans, and Urban Design Guidelines prepared for specific studies. These policies and guidelines help ensure redevelopment projects respect, and in many cases enhance, the character of the surrounding community. They also serve to protect and conserve existing cultural heritage, including designated and listed heritage resources. Municipalities should continue to be able to require Urban Design Briefs as part of development applications in areas where Urban Design policies are already in place.

A parking justification study is another important study, though not listed in the Town's Official Plan, may be necessary when a development proposal seeks a reduction in parking requirements. This type of study can help support the reduction by

demonstrating proximity to transit or identifying unique characteristics of the development that justify a lower demand for vehicle parking. Municipalities should continue to have the authority to require a parking justification study when a development proposes fewer parking spaces than the zoning standards prescribe. This is necessary to ensure that enough parking can be provided on-site and will not create safety concerns on the adjacent roadways.

Municipalities should be able to require environmental studies where applicable to development applications, including Environmental Impact Studies, Subwatershed Impact Studies, Hydrogeological Studies and Environmental Site Screening Questionnaires. Such studies are critical in ensuring drinking water resources, and key components of natural heritage systems are protected.

List of Certified Professionals

Staff do not anticipate impacts to the Town's complete application process from requiring that municipalities accept studies prepared by certified professionals. The assessment of submission quality is not a factor in determining whether an application is deemed complete. As such, the Town's current approach to processing complete applications would remain unchanged.

The Town recommends that reports/studies be reviewed by certified professional members from accredited organizations such as OPPI, PEO, etc. There are a number of professionals that might not be qualified under a recognized professional organization, e.g., ecological or environmental professionals and in these cases the Town suggest specifying what criteria might be required by the Province to include them as certified professionals. Should the Province proceed with certified professionals, a list of accepted certified professionals should be carefully developed in consultation with municipalities to ensure qualifications are appropriate for the complexity of the work required to be undertaken.

Staff would like the Province to confirm that the intent of this proposed regulation authority would not preclude a municipality's ability to review submitted studies as part of the application review process. The review process is essential to check for the accuracy and completeness of studies being submitted as part of a development application. This allows the Town to protect the public interest by ensuring that local concerns and potential adverse effects are addressed and mitigated.

ERO-025-0462 As of Right from Setback Requirements

General Comments:

Staff have concerns regarding the broad application of the "as-of-right" provision across all zoning by-law setback requirements. The zoning by-law review process is intended to ensure that land use planning is orderly, safe, and sustainable. Zoning standards are carefully established to regulate land and buildings in a way that protects public health and safety, preserves neighbourhood character, and promotes compatibility between uses. Applying a general 10% reduction to setback requirements could undermine these objectives and result in unintended impacts on adjacent properties and the overall planning framework.

When Planning staff review a minor variance application for setback relief, several key considerations are assessed. These considerations include maintaining sufficient separation between the dwelling and the lot line to accommodate private surface drainage, the extension of municipal services and utilities to support ARUs, and to facilitate building maintenance, such as access to eaves and exterior walls, while also ensuring clear and unobstructed access to the rear yard. Setback requirements also play a crucial role in maintaining a consistent development pattern, protecting privacy, and reinforcing the established character of mature neighbourhoods. The application of a 10% "as-of-right" setback reduction within the zoning by-law could directly impact these considerations, potentially undermining the intent and effectiveness of the current standards.

Staff have similar concerns regarding the potential for increased height and lot coverage permissions. Increased lot coverage may negatively impact stormwater management and drainage issues by reducing the amount of permeable surface available on a lot that increases the volume of surface drainage which was not included in the design of municipal storm sewers. Additionally, greater flexibility in both height and lot coverage could undermine the intent of previously approved Mature Neighbourhood zoning provisions, which were designed to preserve the established character and built form of these areas.

When a building is located closer to a property line after a permit is issued due to the knowledge that there is an as of right 10% reduction, the impact on the spatial separations and construction requirements within the building code could drastically change as most designs are based on the maximum allowable openings. It is understood that this proposal is meant to relieve submitted designs prior to construction from requiring a minor variance. It is understood that a building could be improperly located/built during construction. The concern is the misinterpretation during construction that there is an as of right set back reduction allowance that could result in "as built" building conditions that do not meet the spatial separation or construction requirements of the building code. These situations are significantly more expensive and time-consuming than going through a variance.

Town staff urge the Province to consult with local municipalities during the development of the proposed regulations that would allow variations to be permitted “as-of-right”. Consultation with local municipalities responsible for implementing these regulations is vital to ensure that the proposed variations to be permitted as of right do not negatively impact local residents.

ERO Posting 025-0504 - Protect Ontario by Building Faster and Smarter Act, 2025 - Accelerating Delivery of Transit-Oriented Communities

General Comments:

The Town has two GO Stations that based on the proposed expansion to the definition of Transit Oriented Community Project will now be subject to the Transit-Oriented Communities Act, 2020. This will allow the Province to designate areas for TOCs to be built. The Town is committed to incentivizing appropriate redevelopment and intensification adjacent to the GO Stations. The Town requests that the Province consults with municipalities in advance of designating TOC so that future proposals are appropriate and align with the Town's plans for these areas.

Exempting approvals for municipal agreements and ancillary TOC project agreements

- A better understanding of which agreements could be exempt from requiring municipal approval would assist municipal staff in communicating these changes to members of Council and the public. It is important to understand that although exemption of agreements is being proposed, Metrolinx would still be responsible for all costs related to their project that may impact municipal infrastructure. Please consider providing examples in future postings for ease of understanding the proposed change.
- To effectively support the growth and development envisioned by these changes, the Province should ensure that a substantial portion of the savings from streamlined approvals is reinvested directly into local infrastructure.
- If the Province expands the TOC framework, it is important to ensure that mid-sized municipalities like Halton Hills also benefit from investments that support transit-oriented growth.
- Leverage the expanded definition of TOCs to align future growth with the Mobility Master Plan, ensuring that new TOC developments are well-connected, pedestrian-friendly, and support active transportation mode.

**ERO Posting 025-0450: Protect Ontario by Building Faster and Smarter Act, 2025
– Amendment to the Building Transit Faster Act, 2020**

General Comment:

- Staff request to be consulted on key environmental risks such as tree removals, vibration, noise pollution, light pollution and temporary/permanent traffic related matters that will impact municipal roads. Any changes to the municipal road network to improve the GO Train service should be approved by the Town.
- The Town also suggests that a process be put in place to ensure that municipalities have the ability to engage early on with Metrolinx to coordinate construction works including potential road closure and right of way improvements. This will ensure that there are no conflicts with other planned municipal projects.
- The Town requests that appropriate notification be provided to local residents that may be impacted by the changes and future construction work.