



June 25, 2025

The Honourable Ron Flack
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Dear Minister Flack:

**The Regional
Municipality of
Durham**

Corporate Services
Department –
Legislative Services
Division

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**Alexander Harras
M.P.A.
Director of
Legislative Services
& Regional Clerk**

**RE: Region of Durham Response to Bill 17, Protect Ontario by
Building Faster and Smarter Act, 2025 (2025-COW-26),
Our File: L14**

Council of the Region of Durham, at its meeting held on June 25, 2025, adopted the following recommendations of the Committee of the Whole:

- “A) That the letter dated June 4, 2025, found in Attachment #1 to Report #2025-COW-26 of the Commissioner of Finance, be endorsed as the Region of Durham’s response to Bill 17, Protect Ontario by Building Smarter and Faster Act, 2025, including the following key messages:
- i) Development Charges Act – Development Charge (DC) relief should be reviewed on an annual basis and be designed to be targeted and temporary to respond to changing market conditions;
 - ii) Planning Act – Municipal autonomy should be preserved by ensuring complete application requirements reflect site-specific considerations, but with encouragement for standardization of study requirements;
 - iii) Building Code Act – Municipal authority should be maintained to implement green development standards that align with climate goals;

- iv) Transit Legislation – The proposed updates to include the GO Lakeshore East Extension to Bowmanville as a ‘provincial transit projects’ is welcomed, and the Region will work closely with the Province to further understand data-sharing expectations and municipal agreement exemptions; and
- B) That a copy of Report #2025-COW-26 be forwarded to the Region’s local area municipalities and the Association of Municipalities of Ontario.”

Please find enclosed a copy of Report #2025-COW-26 for your information.

Alexander Harras

Alexander Harras, M.P.A.

Director of Legislative Services & Regional Clerk

AH/tf

- c: B. Rosborough, Executive Director, Association of Municipalities of Ontario
- J. Grossi, Clerk, Town of Ajax
- F. Lamanna, Clerk, Township of Brock
- J. Gallagher, Clerk, Municipality of Clarington
- M. Medeiros, Clerk, City of Oshawa
- S. Cassel, Clerk, City of Pickering
- B. Labelle, Clerk, Township of Scugog
- D. Leroux, Clerk, Township of Uxbridge
- C. Harris, Clerk, Town of Whitby
- N. Taylor, Commissioner of Finance



The Regional Municipality of Durham Report

To: Committee of the Whole
From: Commissioner of Finance
Report: #2025-COW-26
Date: June 11, 2025

Subject:

Region of Durham Response to Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025

Recommendation:

That the Committee of the Whole recommends to Regional Council:

- A) That the letter dated June 4, 2025, found in Attachment #1 to this report, be endorsed as the Region of Durham's response to Bill 17, Protect Ontario by Building Smarter and Faster Act, 2025, including the following key messages:
- i) Development Charges Act – Development Charge (DC) relief should be reviewed on an annual basis and be designed to be targeted and temporary to respond to changing market conditions.
 - ii) Planning Act – Municipal autonomy should be preserved by ensuring complete application requirements reflect site-specific considerations, but with encouragement for standardization of study requirements.
 - iii) Building Code Act – Municipal authority should be maintained to implement green development standards that align with climate goals.
 - iv) Transit Legislation – The proposed updates to include the GO Lakeshore East Extension to Bowmanville as a 'provincial transit projects' is welcomed, and the Region will work closely with the Province to further understand data-sharing expectations and municipal agreement exemptions.

- B) That a copy of this report be forwarded to the Region's local area municipalities and the Association of Municipalities of Ontario.
-

Report:**1. Background and Purpose**

- 1.1 Bill 17 (Protect Ontario by Building Faster and Smarter Act, 2025) was released on May 12, 2025 and proposes significant amendments to the Development Charges Act, Planning Act, Building Code Act, and other legislation that directly impacts municipal planning, infrastructure financing, and transit delivery. To inform the Province of Regional comments in advance of the completion of third reading of the legislation in the Ontario Legislature, Regional staff submitted comprehensive comments on June 4, 2025 to ten separate postings on the Environmental Registry of Ontario (ERO) and Regulatory Registry (RR), addressing the full scope of the proposed changes (Attachment #1). The Bill received Royal Assent on June 5, 2025.
- 1.2 The purpose of this report is to seek endorsement of the staff comments on Bill 17 that were submitted to the Province.
- 1.3 The comments reflect the Region's commitment to responsible growth management, financial sustainability, and intergovernmental collaboration. They emphasize the importance of maintaining municipal autonomy, protecting critical infrastructure, and ensuring that growth continues to pay for growth.
- 1.4 If Committee and Council makes any changes to the comments, Regional staff will follow up with the province accordingly.

2. Summary of Key Comments

- 1.5 The following sections provide a high-level overview of the key comments submitted to the province.

Development Charges Act

Development charges (DCs) are a critical municipal financing tool that is used to fund housing-enabling infrastructure such as water, wastewater, and roads needed to support growth. They uphold the principle that growth should pay for growth, helping to ensure fairness for existing taxpayers and ratepayers so that they are not left to pay for growth-related costs that they do not benefit from.

- Targeted, Temporary Relief: DC relief should be reviewed on an annual basis and designed to be targeted and temporary, focusing on addressing the current affordable housing crisis without compromising long-term municipal financial sustainability.

- **Selective Deferral:** Deferrals should only apply to residential units other than singles, to support more modest, transit supportive housing like Durham's Medium Density and Apartment DCs.
- **Deferral program:** A blanket deferral of all DCs would significantly disrupt municipal cashflow, delaying or reducing investment in critical infrastructure and increasing debt-related costs
- **More Effective, Proven Strategies:** Rather than shifting growth costs to taxpayers and ratepayers by changing DC methodologies, municipalities should be encouraged to use alternative, proven tools such as front-ending servicing agreements, DC credits, redevelopment credits, and developer-constructed infrastructure
- **Long-Term Care Homes:** The DC exemption for Long-Term Care Homes should be restricted to not-for-profit organizations and expanded to include not-for-profit hospices.
- **Cost Recovery and Ratepayer Impact:** The Region welcomes the opportunity to engage in discussions about which costs should remain eligible for recovery through DCs.

Planning Act

The proposed changes to the Planning Act impact the Region's ability to support growth across multiple municipalities. This leadership is important as it helps protect and manage regional infrastructure like roads, water systems, and transit, and ensures that local development aligns with broader regional and provincial goals.

- **Site Specific Considerations:** While consistency and certainty in the development process are important, municipal interests differ across the province.
- **Protecting Regional Infrastructure:** Minor variances and the associated development may have the potential to impact Regional infrastructure. Minor variance applications that may potentially impact Regional infrastructure should be exempt from the proposed as-of-right provisions.
- **Upholding Established Provincial Policy:** Proposed directions to streamline official plans, and change provincial plan tests for Ministerial decisions, may result in non-conforming land uses for area municipal official plans and could result in a loss of local autonomy related to planning decisions, or a reduction in environmental or community impact safeguards as set out in provincial policy.
- **Balanced Growth Targets:** The Ministry of Municipal Affairs and Housing should consider transit and infrastructure investments, employment and jobs forecasts (as well as current supply), and constraints to growth when prescribing targets for municipalities, in addition to the residential targets provided by the Ministry of

Finance.

Building Code Act

The proposed changes in Schedule 1 of Bill 17 differ from the provincial government's previous commitment to support municipal green development standards in 2023.

- **Uncertainty Undermines Local Planning for Energy Conservation, Air Quality and Climate Change :** The changes should not limit municipal authority to implement building design requirements that are complementary to the Ontario Building Code and support the reduction of greenhouse gas emissions and prepare communities for the impacts of a changing climate change, as required by the Provincial Planning Statement, 2024.

Other Legislation for Transit Projects

Regional staff were generally supportive of the updates proposed to the Building Transit Faster Act, 2020, Metrolinx Act, 2006, Transit-Oriented Communities Act, 2020, and the Ministry of Infrastructure Act, 2011.

- **Broadening of 'Provincial Transit Projects' Definition:** The proposed update of 'provincial transit projects' within the above noted legislation will recognize the GO Lakeshore East Extension to Bowmanville as a provincial project and enable the use of the Building Transit Faster Act, 2020, to expedite the delivery of four new stations along the Extension. Successful implementation will require coordination among the Region, the Province, and Metrolinx to facilitate the projects without compromising the safety and reliability of the Region's infrastructure.
- **Data and Information Sharing:** The Region is committed to working with the Province and Metrolinx to advance the GO Lakeshore East Extension to Bowmanville and surrounding transit-oriented communities and supports opportunities to strengthen collaboration and the exchange of information. It would be helpful to understand the type of data and information contemplated, to identify opportunities to streamline the exchange of information.
- **Exempting Approvals for Municipal Agreements:** It is unclear what types of agreements would be exempt from 'Order In Council' approval. The Region requests further clarity on the types of ancillary TOC projects and related agreements would be exempted.

3. Relationship to Strategic Plan

3.1 These proposed legislative changes may impact the Region's Strategic Directions and Pathways in Durham Region's 2025-2035 Strategic Plan:

a. Connected and Vibrant Communities

- C1. Align Regional infrastructure and asset management with projected growth, climate impacts, and community needs.
- C2. Enable a full range of housing options, including housing that is affordable and close to transit.
- C3. Improve public transit system connectivity, reliability, and competitiveness.

b. Environmental Sustainability and Climate Action

- E2. Collaborate with partners on the low-carbon transition to reduce community greenhouse gas emissions across Durham Region.

c. Strong Relationships

- S3. Collaborate across local area municipalities, with agencies, non-profits, and community partners to deliver co-ordinated and efficient services.
- S4. Advocate to the federal and provincial government and agencies to advance regional priorities.
- S5. Ensure accountable and transparent decision-making to serve community needs, while responsibly managing available resources.

3.2 This report aligns with/addresses the following Foundation(s) in Durham Region's 2025-2035 Strategic Plan:

- a. People: Making the Region of Durham a great place to work, attracting, and retaining talent.
- b. Processes: Continuously improving processes to ensure we are responsive to community needs.

4. Conclusion

- 4.1 The proposed legislative changes under Bill 17 have broad implications for the Region's ability to manage growth, finance infrastructure, and maintain local autonomy. The staff comments submitted on June 4, 2025, provide a comprehensive response to the province's proposals and reflect the Region's commitment to responsible planning, financial sustainability, and collaboration. Council's endorsement of these comments will reinforce the Region's position and support continued advocacy on these important matters.

5. Attachments

Attachment #1: 06042025 - MMAH Letter - Protect Ontario by Building Faster and Smarter Act, 2025 (Bill 17)

Respectfully submitted,

Original signed by

Nancy Taylor
Commissioner of Finance

Recommended for Presentation to Council

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

Sent via email: minister.mah@ontario.ca



June 4, 2025

The Honourable Ron Flack
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

**The Regional
Municipality of
Durham**
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Elaine Baxter-Trahair
B.M. Edu, MBA
Chief Administrative
Officer

Dear Minister Flack:

**RE: Protect Ontario by Building Faster and Smarter Act, 2025
(Bill 17)**

The Regional Municipality of Durham shares the Province's goal of increasing housing supply, and we are committed to working together to find collaborative solutions to address housing affordability. We appreciate the opportunity to comment on the proposed legislation and have enclosed a comprehensive set of remarks prepared by Regional staff which will be presented for endorsement at the Regional Council meeting on June 25, 2025.

Please find the attached comments from Regional staff in response to the Province's consultations on proposed changes under the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17).

Changes to the Development Charges Act – Key Messages

Development charges (DCs) are a critical municipal financing tool that is used to fund housing-enabling infrastructure such as water, wastewater, and roads needed to support growth. They uphold the principle that growth should pay for growth, helping to ensure fairness for existing taxpayers and ratepayers so that they are not left to pay for growth-related costs that they do not benefit from.

- **Targeted, Temporary Relief:** DC relief should be reviewed on an annual basis and designed to be targeted, short-term, and temporary, focusing on addressing the current affordable housing crisis without compromising long-term municipal financial sustainability.

- **Selective Deferral:** Deferrals should only apply to residential units other than singles, to support more modest, transit-supportive housing like Durham's Medium and High-Density DC Deferral program. A blanket deferral of all DCs would significantly disrupt municipal cashflow, delaying or reducing investment in critical infrastructure and increasing debt-related costs.
- **More Effective, Proven Strategies:** Rather than shifting growth costs to taxpayers and ratepayers by changing DC methodologies, municipalities should be encouraged to use alternative, proven tools such as front-ending servicing agreements, DC credits, redevelopment credits, and developer-constructed infrastructure. Successfully used in Durham, these approaches support responsible growth through sequential servicing and help unlock land for development while maintaining fiscal sustainability and fairness.
- **Long-Term Care Homes:** It is recommended that the DC exemption for Long-Term Care Homes be restricted to not-for-profit organizations and expanded to include not-for-profit hospices.
- **Cost Recovery and Ratepayer Impact:** We welcome the opportunity to engage in discussions about which costs should remain eligible for recovery through DCs. It is essential that any changes to cost recovery mechanisms are carefully considered to avoid unintended consequences, such as increased interest and carrying costs, that could shift the financial burden onto property taxpayers and ratepayers.

Changes related to the Planning Act – Key Messages

The proposed changes to the Planning Act impact the Region's ability to support growth across multiple municipalities. This leadership is important as it helps protect and manage regional infrastructure like roads, water systems, and transit, and ensures that local development aligns with broader regional and provincial goals.

- **Site Specific Considerations:** While consistency and certainty in the development process are important, municipal interests differ across the Province. Proposed changes to complete applications and application study requirements will result in a loss of municipal autonomy and control related to specific development-related matters. Complete application and study requirements need to account for the site specific considerations for each

development application.

- **Protecting Regional Infrastructure:** Minor variances and the associated development may have the potential to impact Regional infrastructure. Minor variance applications that may potentially impact Regional infrastructure should be exempt from the proposed as-of-right provisions.
- **Upholding Established Provincial Policy:** Proposed directions to streamline official plans, and change provincial plan tests for Ministerial decisions, may result in non-conforming land uses for area municipal official plans and could result in a loss of local autonomy related to planning decisions, or a reduction in environmental or community impact safeguards as set out in provincial policy.
- **Balanced Growth Targets:** The Ministry of Municipal Affairs and Housing should consider transit and infrastructure investments, employment and jobs forecasts (as well as current supply), and constraints to growth when prescribing targets for municipalities, in addition to the residential targets provided by the Ministry of Finance.

Changes to the Building Code Act – Key Messages

The proposed changes in Schedule 1 of Bill 17 contradict the provincial government's previous commitment to support municipal green development standards, as outlined in the Minister of Municipal Affairs and Housing's February 28, 2023 letter titled, 'Municipalities with an Interest in Green Standards'.

- **Uncertainty Undermines Local Planning for Energy Conservation, Air Quality and Climate Change :** The changes should not limit municipal authority to implement building design requirements that are complementary to the Ontario Building Code and support the reduction of greenhouse gas emissions and prepare communities for the impacts of a changing climate change, as required by the Provincial Planning Statement, 2024.

Other Legislation for Transit Projects – Key Messages

The Region is generally supportive of the updates proposed to the Building Transit Faster Act, 2020, Metrolinx Act, 2006, Transit-Oriented Communities Act, 2020, and the Ministry of Infrastructure Act, 2011.

- **Broadening of ‘Provincial Transit Projects’ Definition:** The proposed update of ‘provincial transit projects’ within the above-noted legislation will recognize the GO Lakeshore East Extension to Bowmanville as a provincial project, and enable the use of the Building Transit Faster Act, 2020, to expedite the delivery of four new stations along the Extension. Successful implementation will require coordination among the Region, the Province, and Metrolinx to facilitate the projects without compromising the safety and reliability of the Region’s infrastructure.
- **Data and Information Sharing:** The Region is committed to working with the Province and Metrolinx to advance the GO Lakeshore East Extension to Bowmanville and surrounding transit-oriented communities, and supports opportunities to strengthen collaboration and the exchange of information. It would be helpful to understand the type of data and information contemplated, to identify opportunities to streamline the exchange of information.
- **Exempting Approvals for Municipal Agreements:** It is unclear what types of agreements would be exempt from ‘Order In Council” approval. The Region requests further clarity on the types of ancillary TOC projects and related agreements would be exempted.

Housing is the foundation of our communities. Delivering a strong supply of new homes requires well-aligned processes and a shared commitment to collaboration across many sectors. To support this growth, our communities must be thoughtfully planned, properly financed, and fully serviced, with impacts carefully managed.

We welcome the opportunity to discuss the recommendations outlined in this letter and the detailed comments provided in the attached documents, as we work together towards our shared goal of increasing housing supply across Ontario.

Sincerely,

Original Signed By
Elaine Baxter-Trahair
Chief Administrative Officer

Attachment 1: Comments on RR 25-MMAH003

If you require this information in an accessible format, please call at 1-800-372-1102 ext. 2103.

Attachment 2: Comments on ERO 025-0450, RR 25-MTO005, and
RR 25-MT006

Attachment 3: Comments on ERO 025-0461

Attachment 4: Comments on ERO 025-0462

Attachment 5: Comments on ERO 025-0463

Attachment 6: Comments on ERO 025-0504

Attachment 7: Comments on RR 25-MOI003

Attachment 8: Comments on RR 25-MMAH0042

Attachment 1 – Region of Durham Submission on Bill 17 (Regulatory Registry 25-MMAH003)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

Regulatory Registry and Comment Period	Durham Region Staff Comments
25-MMAH003 May 12, 2025 – June 11, 2025 (30 days) https://www.regulatoryregistry.gov.on.ca/proposal/50333	(1) Create a Regulation-Making Authority to Merge Service Categories for Development Charge Credits Staff Comments: <ul style="list-style-type: none">• Rather than shifting growth costs to taxpayers and ratepayers by changing DC methodologies, municipalities should be encouraged to use alternative, proven tools such as front-ending servicing agreements, DC credits, redevelopment credits, and developer-constructed infrastructure. These tools, when applied under appropriate conditions and with safeguards for competitive pricing, have been successfully implemented in jurisdictions like Durham Region.• Combining DC credits across unrelated service categories like water and roads could cause confusion and lack transparency. Merging Road and Transit DCs is acceptable if it aims to offer flexibility within Transit-Oriented Communities, as both categories relate to transportation services.• Combining services for the purpose of issuing credits could impact municipal cashflow, as it may draw from reserve funds allocated to services not covered under the Section 38 agreement. This reallocation could delay capital projects for those services or increase financing costs if the Region needs to borrow funds to proceed with projects in areas where reserves were transferred to another area.• It is recommended that municipalities be provided the flexibility to merge service categories on an optional basis. In addition, it is noted that combining roads and transit service as one DC category would require that the Province remove the 10-year planning horizon for transit service.
25-MMAH003 May 12, 2025 – June 11, 2025 (30 days) https://www.regulatoryregistry.gov.on.ca/proposal/50333	(2) Create Regulation-Making Authority to Specify What Constitutes a "Local Service" Staff Comments:

	<ul style="list-style-type: none"> Depending on how Local Service is defined, this could add projects to the Region's Development Charge Background Studies, driving up DCs, or it could remove projects, lowering DCs and transferring costs back to developers. The Region would welcome participation in any working groups formed to establish and clarify the definition of local services.
<p>25-MMAH003 May 12, 2025 – June 11, 2025 (30 days)</p> <p>https://www.regulatoryregistry.gov.on.ca/proposal/50333</p>	<p>(3) Expand the Development Charge Deferral to Non-Rental Residential Developments</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> Delaying the collection of all residential Development Charges (DCs) until occupancy would severely disrupt municipal cash flow, leading to revenue gaps, stalled growth projects due to insufficient funding, increased debt, and significant administrative burdens. It is recommended that the deferred payment include only non-single residential units, such as medium density and high-density units, like Durham's Medium and High-Density Residential Development Charge Deferral Program (see Report #2025-F-7). This would provide targeted relief to transit supportive and more modest housing options. It is also recommended that the expansion of the DC Deferral to non-rental residential developments be reviewed annually to assess whether the program remains necessary, considering that municipalities must invest in infrastructure either before or alongside growth. In addition, it is recommended that municipalities be permitted to charge interest on deferred payments that are in default, in order to encourage timely payment. It is recommended that the Development Charge amounts continue to be determined at the issuance of a building permit, in keeping with current practice. Mechanisms must be established to ensure that lots are not transferred from developers to homeowners before DCs are paid.

<p>25-MMAH003 May 12, 2025 – June 11, 2025 (30 days)</p> <p>https://www.regulatoryregistry.gov.on.ca/proposal/50333</p>	<p>(4) Changes to Reduce DCs</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> Enabling municipalities to make changes to the DC by-laws for the sole purpose of reducing DCs or removing indexing without certain procedural requirements would provide municipalities with additional flexibility. However, complete removal of the statutory public process for Development Charge reductions would eliminate the public’s opportunity to address Council on the matter and diminish overall transparency It is recommended that Public Notice of such changes continue to be required but that other elements of the statutory public process not apply in these cases, where the effect of the change is to lower the rates.
<p>25-MMAH003 May 12, 2025 – June 11, 2025 (30 days)</p> <p>https://www.regulatoryregistry.gov.on.ca/proposal/50333</p>	<p>(5) Create a Regulation-Making Authority to Limit Eligible Capital Costs</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> We welcome the opportunity to engage in discussions about which costs should remain eligible for recovery through DCs. It is essential that any changes to cost recovery mechanisms are carefully considered to avoid unintended consequences, such as increased interest and carrying costs, that could shift the financial burden onto property taxpayers and ratepayers. The proposed legislative amendment, particularly the exemption of recoverable costs and potential changes to land recoverability within DCs, could have a significant negative financial impact on the Region, hindering its ability to fund growth-related projects.
<p>25-MMAH003 May 12, 2025 – June 11, 2025 (30 days)</p> <p>https://www.regulatoryregistry.gov.on.ca/proposal/50333</p>	<p>(6) Changes to the Application of the DC Freeze</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> Staff have no comments regarding this amendment.
<p>25-MMAH003 May 12, 2025 – June 11, 2025 (30 days)</p> <p>https://www.regulatoryregistry.gov.on.ca/proposal/50333</p>	<p>(7) Exempt Long-Term Care Homes from Development Charges</p> <p>Staff Comments:</p>

	<ul style="list-style-type: none"> • It is recommended that the DC exemption for Long-Term Care Homes be restricted to not-for-profit organizations and expanded to include not-for-profit hospices. • The financial impact of this exemption should not be shifted onto local taxpayers and ratepayers who already face significant financial pressure. Instead, the Province should consider modifying Section 6(3) of the DCA or provide alternative funding mechanisms to offset the impact of these and other prescribed DC exemptions on municipal budgets.
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Attachment 2 – Region of Durham Submission on Bill 17 (ERO 025-0450, RR 25-MTO005, and RR 25-MTO006)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

ERO/RR Posting and Comment Period	Durham Region Staff Comments
025-0450 May 12, 2025 – June 11, 2025 (30 days) https://ero.ontario.ca/notice/025-0450	(1) New definition of “provincial transit project” Staff Comments: <ul style="list-style-type: none">• The Region generally considers the proposed addition of ‘provincial transit projects’ to include projects that Metrolinx has the authority to carry out, as a positive update to the Building Transit Faster Act, 2020, as it will recognize the GO Lakeshore East Extension to Bowmanville as provincial projects within the Act, and will enable the use of the provisions and measures within the Building Transit Faster Act, 2020 to expedite the development of four new stations along the Extension.
25-MTO005 May 12, 2025 to June 11, 2025 (30 days) www.regulatoryregistry.gov.on.ca/proposal/50314	(2) The Ministry of Transportation of Ontario (MTO) is proposing a legislative amendment to the Building Transit Faster Act (BTFA) to expand the definition of "provincial transit project" to include all transit projects Metrolinx has authority to carry out, thereby streamlining project delivery and accelerating completion of these projects by leveraging existing BTFA measures for land access, utility coordination, and land assembly. Staff Comments: <ul style="list-style-type: none">• The Region generally considers the proposed addition of ‘provincial transit projects’ to include projects that Metrolinx has the authority to carry out, as a positive update to the Building Transit Faster Act, 2020.• Having the proposed changes in place will recognize the GO Lakeshore East Extension to Bowmanville and GO Expansion (electrification) projects as provincial projects within the Act, and will enable the use of the provisions and measures within the Building Transit Faster Act, 2020 to expedite the development of four new stations along the Extension, especially as it relates to land acquisition and utility relocations, where applicable and required. The provisions will also facilitate the expedited development of other Rapid Transit projects (e.g., Highway 2 and Simcoe Rapid Transit) connecting to the stations on the GO Extension.

	<ul style="list-style-type: none"> While the Region recognizes this addition would help to expedite these Metrolinx projects, successful implementation will require coordination among the Region, the Province, and Metrolinx as it relates to access, modification, or temporary closures of roads, sewers, and water works as needed to facilitate the projects without compromising the safety and reliability of the Region's infrastructure.
<p>25-MTO006 May 12, 2025 to June 11, 2025 (30 days)</p> <p>www.regulatoryregistry.gov.on.ca/proposal/50314</p>	<p>(3) An amendment to The Metrolinx Act, 2006, is being proposed to grant the Minister of Transportation the authority to request necessary information and data from municipalities or municipal agencies, aiming to prevent project delays and improve the efficiency of provincial transit and Transit-Oriented Communities projects.</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> The Region is committed to our long-standing working relationship with the Province and Metrolinx to advance the development of four new GO Stations along the GO Lakeshore East Extension to Bowmanville and their surrounding transit-oriented communities, and supports opportunities to strengthen collaboration and the exchange of information with Metrolinx. It would be helpful to know the type of data and information contemplated, to identify opportunities to streamline the exchange of information.
<p>May 12, 2025 – Ministry of Municipal Affairs – Technical Briefing - Protect Ontario by Building Faster and Smarter Act, 2025</p>	<p>MMAH – Technical Briefing – Protect Ontario By Building Faster and Smarter Act, 2025</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> It should be noted that it is unclear when the following changes proposed in the Technical Briefing would come into force, or the timelines around discussions with municipal partners: <p><u>Review Corridor Management Permitting Process and Standards</u></p> <p>While the Province reviews Corridor Management Standards, we would ask that the Province reconsider restrictions for municipal infrastructure on non-400 series highways. As an example, Hwy 7 through Durham Region would often be a logical alignment for watermains and sanitary sewers, but the MTO has at times not permitted infrastructure within the right-of-way (nor within the setback restrictions of right-of-way limits). These conditions are highly restrictive, are applied somewhat inconsistently, and make the servicing for new development more difficult and costly. An example of this is MTO requiring Enbridge Gas to route the main gas service to the Seaton employment lands via a significantly longer route through</p>

	development lands and Natural Heritage areas to avoid construction within Highway 7.
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Attachment 3 – Region of Durham Submission on Bill 17 (ERO 025-0461)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

ERO Posting and Comment Period	Durham Region Staff Comments
025-0461 May 12, 2025 – June 11, 2025 (30 days) https://ero.ontario.ca/notice/025-0461	(1) Minor Variances (As of Right Variation from Setback Requirements) Staff Comments: <ul style="list-style-type: none">• Minimum building setback requirements need to have consideration for setback requirements from above ground hydro lines. Placement of hydro poles along Regional Roads also have “clear zone” requirements which need to be satisfied. The combination of these two criteria can lead to conflicts if the building setback is too small.• Minor variances have the potential to impact Regional infrastructure.• There may be instances where setback requirements are established based on recommendations from technical studies to accommodate the Region’s ability to plan for, provide, and assess the impacts to municipal water and wastewater servicing, Regional transportation networks, waste management, and/or source water protection.• The Region requests that minor variance applications that impact Regional infrastructure should be exempt from the proposed as-of-right provisions.
025-0461 May 12, 2025 – June 11, 2025 (30 days) https://ero.ontario.ca/notice/025-0461	(2) Minister’s Zoning Order Staff Comments: <ul style="list-style-type: none">• Through Report #2020-P-30, the Region previously expressed concerns about how MZO’s have been implemented and the lack of municipal oversight resulting from these provincial decisions.• These concerns include conformity to provincial policy, effects on the surrounding area, the completion of technical studies, environmental impact of the development, and the impact on Regional infrastructure.• The proposal to add conditions could allow for municipal concerns to be considered before an MZO comes into effect. However, there is no confirmation in the proposal that the Province will use this power to impose

	the municipality's requested conditions on a development.
<p>025-0461 May 12, 2025 – June 11, 2025 (30 days)</p> <p>https://ero.ontario.ca/notice/025-0461</p>	<p>(3) Study Requirements (Complete Application) and Certified Professionals</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> • A Complete Application should also require minimum quality standards for the studies submitted. Functional servicing studies and transportation impact studies should be required to be complete, accurate, and correct before an application is deemed complete. • Currently, municipalities can request studies they deem relevant to the review of a proposed development through the planning process. • The proposed changes are intended to provide certainty in the scope, timing and number of studies required for planning applications. However, study requirements for developments are a safeguard to ensure environmental and land use compatibility standards, among others are being met. • The proposed regulation would result in the following topics not being able to be required as part of a complete planning application: Sun/ Shadow; Wind; Urban Design; and Lighting. The Province will also be consulting on other potential studies that may be added to this list of studies that would no longer be required as part of a complete application. • While consistency and certainty in the development process are important, municipal interests differ across the Province. This proposal will result in a loss of municipal autonomy and control related to specific development-related concerns. For example, prior to Bill 23, the Region of Durham required studies based on the proposal meeting specific criteria as established in Table 1 of the new Regional Official Plan (that is now the responsibility of the area municipalities to implement). Studies such as Contamination Management Plans, or Odour, Dust and Light Assessments were required to protect the health of drinking water and ensure land use compatibility issues were mitigated. • It is important to continue to allow the municipalities to determine what studies may be necessary to constitute a “complete application” to allow for local planners to best respond to the needs of the community.

	<ul style="list-style-type: none"> Additionally, Regional staff believe it would be beneficial for municipalities to prepare terms of reference(s) for relevant studies. This would clarify rationale and expectations among stakeholders involved in the development process.
025-0461 May 12, 2025 – June 11, 2025 (30 days) https://ero.ontario.ca/notice/025-0461	<p>(4) Streamline Planning Approval for Schools</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> The Region is not responsible for zoning by-laws; however, the Region does support the timely approval and permitting of school sites.
019-6173 October 25, 2022 - December 9, 2022 (45 days) Closed https://ero.ontario.ca/notice/019-6173	<p>Inclusionary Zoning</p> <p>Staff Comments:</p> <ul style="list-style-type: none"> These updated regulations are intended to provide a more consistent framework for developers. Generally, Regional staff support that the definition for “affordable residential units” is now consistent with the Development Charges Act. However, these changes will restrict municipalities from having more than 5% of units be affordable and for no longer than a 25-year period. The implications for the above restrictions will reduce the overall number of potential affordable residential units available within MTSAs.
May 12, 2025 – Ministry of Municipal Affairs – Technical Briefing - Protect Ontario by Building Faster and Smarter Act, 2025	<p>Ministry of Municipal Affairs – Technical Briefing – Protect Ontario By Building Faster and Smarter Act, 2025</p> <p>Staff Comment:</p> <ul style="list-style-type: none"> It should be noted that it is unclear when the following changes proposed in the Technical Briefing would come into force, or the timelines around discussions with municipal partners: <p><u>Provincial Policy Tests</u></p> <ul style="list-style-type: none"> The purpose of allowing provincial policy tests to be inapplicable with respect to Minister’s decisions are to allow for a faster, more predictable approvals process for new housing development.

- This change could allow for areas that are not currently available for housing development under provincial policy, such as certain environmental features and/or employment areas. It could also result in potential alterations to provincial policy around settlement area boundary expansions, delineated MTSA boundaries, etc.
- Proposed directions to forego provincial policy direction may result in non-conforming land uses for area municipal official plans and could result in a loss of local autonomy related to planning decisions, or a reduction in environmental or community impact safeguards as set out in provincial policy.

Streamlining Official Plans

- These changes could result in MMAH modifying or approving local municipal official plans that do not conform to Provincial policy to expedite housing development.
- Again, the proposed policies may result in a loss of local autonomy related to planning decisions.

Official Plan Population Updates

- The Region has expressed concerns with the use of the Ministry of Finance (MOF) figures through Report #2024-COW-18 - the Region of Durham's comments on Bill 185, the new Provincial Planning Statement, and the Affordable Residential Units Bulletin.
- Ministry of Finance projections have traditionally been significantly different from former Growth Plan forecasts for many municipalities, including those within Durham, and are insufficient for planning purposes as they do not include jobs projections. In fact, the MOF forecasts for Durham Region are lower than former Growth Plan forecasts. Additionally, MOF forecasts are allocated on a Regional scale, making the MOF population forecasts difficult to implement at the local level. The Region of Durham is committed to working with the Province and the Ministry of Finance as these projections are reviewed and updated.
- The Ministry of Municipal Affairs and Housing should consider transit and infrastructure investments, employment and jobs forecasts (as well as current supply), and constraints to growth when prescribing targets for municipalities, in addition to the residential targets provided by the Ministry of Finance.

Planning, Data, and Building Code IT Solutions

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| | <ul style="list-style-type: none">• The Region is supportive, in principle, of streamlining the tracking of planning data. For infrastructure and service planning purposes, the Region relies on standardization and consistency of data and have committed to working with the area municipalities to achieve standardization in Durham. |
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Attachment 4 – Region of Durham Submission on Bill 17 (ERO 025-0462)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

ERO Posting and Comment Period	Durham Region Staff Comments
025-0462 May 12, 2025 – June 26, 2025 (45 days) https://ero.ontario.ca/notice/025-0462	(1) Complete Application Requirements Staff Comments: <ul style="list-style-type: none">• A Complete Application should also require minimum quality standards for the studies submitted. Functional servicing studies and transportation impact studies should be required to be complete, accurate, and correct before an application is deemed complete.• The Region is not responsible for reviewing or commenting on the studies listed in the proposed regulation; as a result, Region staff have no comment.• However, as detailed in the comments on ERO #025-0461, complete application and study requirements need to account for the site-specific considerations for each development application.
025-0462 May 12, 2025 – June 26, 2025 (45 days) https://ero.ontario.ca/notice/025-0462	(2) Proposed Contents of a Regulation Staff Comments: <ul style="list-style-type: none">• Studies to address sanitary sewage, water supply, and stormwater conveyance and management should be a standard requirement in a Complete Application. These studies should be prepared by a professional engineer.• Studies to address transportation (all modes) impacts studies should be a standard requirement in a Complete Application. These studies should be prepared by a professional engineer.
025-0462 May 12, 2025 – June 26, 2025 (45 days) https://ero.ontario.ca/notice/025-0462	(3) Other - What topics or studies should be identified as being permitted to be required by municipalities as part of a complete application? Staff Comments: <ul style="list-style-type: none">• It is important to continue to allow the municipalities to determine what studies may be necessary to constitute a “complete application” to allow for local planners to best respond to the needs of the community.

Attachment 5 – Region of Durham Submission on Bill 17 (ERO 025-0463)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

ERO Posting and Comment Period	Durham Region Staff Comments
025-0463 May 12, 2025 – June 26, 2025 (45 days) https://ero.ontario.ca/notice/025-0463	(1) Minor Variances Staff Comments: <ul style="list-style-type: none">• Minimum building setback requirements need to have consideration for setback requirements from above ground hydro lines. Placement of hydro poles, along Regional Roads also have “clear zone” requirements which need to be satisfied. The combination of these two criteria can lead to conflicts if the building setback is too small.• As detailed in the comments on ERO #025-0461, minor variance applications that may potentially impact Regional infrastructure should be exempt from the proposed as-of-right provisions.
025-0463 May 12, 2025 – June 26, 2025 (45 days) https://ero.ontario.ca/notice/025-0463	(2) Proposed Contents of a Regulation under the Planning Act Staff Comment: <ul style="list-style-type: none">• There may be instances where setback requirements are established based on recommendations from technical studies in order to accommodate the Region’s ability to plan for, provide, and assess the impacts to municipal water and wastewater servicing, Regional transportation networks, waste management, and/or source water protection.• Therefore, the Region requests that minor variance applications that impact Regional infrastructure should be exempt from the proposed as-of-right provisions.

Attachment 6 – Region of Durham Submission on Bill 17 (ERO 025-0504)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

ERO Posting and Comment Period	Durham Region Staff Comments
025-0504 May 13, 2025 – June 12, 2025 (30 days) https://ero.ontario.ca/notice/025-0504	(1) Changing the definition of Transit-Oriented Communities (TOC) Staff Comments: <ul style="list-style-type: none">• The Region has four Protected Major Transit Station Areas (PMTSAs), which are planned to encompass four new GO Stations along the Lakeshore GO East Extension to Bowmanville. These PMTSAs are planned to be viable, complete, and connected transit-oriented communities (TOCs) that will offer greater connectivity to the rest of the Greater Toronto and Hamilton Area (GTHA).• As such, expanding the scope of priority transit projects within the Transit-Oriented Communities Act, 2020, to include provincial transit projects, as defined by the updates to the Building Transit Faster Act, 2020, is a positive update. The Region looks forward to working with the Province and Metrolinx in the delivery of new stations and surrounding TOCs.
025-0504 May 13, 2025 – June 12, 2025 (30 days) https://ero.ontario.ca/notice/025-0504	(2) Exempting approvals for municipal agreements and ancillary TOC project agreements Staff Comments: <ul style="list-style-type: none">• The Region is supportive of expediting the development of transit-oriented communities, including the provision of housing in proximity to transit infrastructure. However, it is unclear what types of agreements would be exempt from ‘Order In Council’ approval. The Region requests further clarity on the types of ancillary TOC projects and related agreements would be exempted.

Attachment 7 – Region of Durham Submission on Bill 17 (Regulatory Registry 25-MOI003)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

Regulatory Registry and Comment Period	Durham Region Staff Comments
25-MOI003 May 12, 2025 – June 11, 2025 (30 days) https://www.regulatoryregistry.gov.on.ca/proposal/50413	<p>(1) The Ministry of Infrastructure Act, 2011 is proposed to be amended to provide the Minister of Infrastructure with the authority to direct a municipality and/or a municipal agency to provide information or data that may be required to support the development or implementation of a project funded by the provincial government.</p> <p>Staff Comment:</p> <ul style="list-style-type: none">• The Region is committed to our long-standing working relationship with the Province to advance provincially funded infrastructure projects, and supports opportunities to strengthen collaboration and the exchange of information with the Province. It would be helpful to know the type of data and information contemplated, to identify opportunities to streamline the exchange of information.

Attachment 8 – Region of Durham Submission on Bill 17 (Regulatory Registry 25-MMAH0042)

Summary and Comments in Support of Protect Ontario by Building Faster and Smarter Act, 2025 through Bill 17 (“An Act to amend various Acts with respect to infrastructure, housing and transit and to revoke a regulation”).

Regulatory Registry and Comment Period	Durham Region Staff Comments
25-MMAH0042 May 12, 2025 – June 11, 2025 (30 days) https://www.regulatoryregistry.gov.on.ca/proposal/50334	<p>(1) Adding a provision to clarify that municipalities do not have the authority to pass by-laws respecting the construction or demolition of buildings</p> <p>Staff Comment:</p> <ul style="list-style-type: none">• This issue came up through the course of Bill 23, and at the time the then-Minister of MAH issued a letter to clarify that “The government recognizes the important work being done by municipalities through green standards to encourage green-friendly development and is committed to supporting these efforts.” And furthermore that “the Ministry plans to commence discussions in the near term with municipalities, builders, designers, manufacturers, and building officials to develop a new and consistent province-wide approach for municipalities wanting to implement green building standards that are above the minimum requirements in the Building Code.”• Municipal authority to enact proven, performance-based green development standards should be made clear. These standards complement the Ontario Building Code and help ensure buildings are efficient and address extreme weather and climate change. While green standards may add upfront costs, they enhance long-term affordability and reduce municipal infrastructure expenses. Without them, future homeowners will face higher utility and insurance costs, and municipal budgets will be further strained.• Staff are concerned that Bill 17 undermines the ability of municipalities to fulfill their mandate under the Provincial Policy Statement, 2024 (Policy 2.9) to plan for climate change through urban design elements like flood protection, air quality, and energy efficiency.
25-MMAH0042 May 12, 2025 – June 11, 2025 (30 days) https://www.regulatoryregistry.gov.on.ca/proposal/50334	<p>(2) Eliminating the requirement for a secondary provincial approval of innovative construction products for products that have already undergone a “Canadian Code Compliance Evaluation” by the federal Canadian Construction Materials Centre</p> <p>Staff Comment:</p> <ul style="list-style-type: none">• No comments

