Attachment 2: City of Toronto Staff Submissions in response to Bill 17 (and related regulations) Provincial Consultation Postings

- Schedule 2 – Building Transit Faster Act (ERO 025-0450)
- Schedule 3 - City of Toronto Act & Schedule 7 – Planning Act (ERO 025-0461)
- Schedule 4 – Development Charges Act (25-MMAH003)
- Schedule 5 – Metrolinx Act (25-MTO006)
- Schedule 6 – Ministry of Infrastructure Act (25-MOI003)
- Schedule 8 – Transit-Oriented Communities Act (ERO 025-0504)
- Regulations for Complete Application (ERO 025-0462)
- Regulations for Setbacks (ERO 025-0463)

TORONTO
City Planning

Jason Thorne, MCIP, RPP
Chief Planner and
Executive Director

City Hall
100 Queen Street West
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Tel: 416 392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

June 11, 2025

Ministry of Transportation
Transit Delivery and Partnership Branch
777 Bay Street, 30th Floor
Toronto, ON M5G 2E5
mto.ero@ontario.ca

RE: Bill 17: Protect Ontario by Building Faster and Smarter Act, 2025 – Amendment to the Building Transit Faster Act, 2020 (ERO 025-0450)

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to the legislative changes to the *Building Transit Faster Act* (BTFA) by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). The City of Toronto greatly values the ongoing partnership and collaboration with the Province of Ontario, including Metrolinx and other Ministries and Agencies, in advancing shared goals around transit planning and implementation. It is noted that Bill 17 received Royal Assent on June 5, 2025, six days prior to the deadline for comments through the Environmental Registry of Ontario. These comments and recommendations are being submitted to ensure that the City's position regarding these changes are known and that future legislative changes to the *Building Transit Faster Act* can address our recommendations.

Below is a summary of the City's comments.

- Adding the definition of "provincial transit project" to the BTFA significantly broadens the applicability of the Act, beyond the existing four projects (Ontario Line, Scarborough Subway Extension, Yonge Subway Extension, and Eglinton Crosstown West Extension), by including any project that Metrolinx has the authority to carry out.
    - As a result, many new and existing projects, including improvements to the entire GO Transit network, a Sheppard Subway extension, and/or the Durham-Scarborough or Dundas BRT projects, could be subject to the Act.
- Expanding the applicability of the BTFA to all Metrolinx projects, would create additional hurdles and administrative burden for the City of Toronto as it works to advance much needed infrastructure projects across the city, such as Toronto Water projects.

- Given the long-term planning horizon of the various regional transportation projects and plans Metrolinx has the authority to carry out, there is the potential for impacts on corridors, obstacles, and access to municipal services and rights-of-way for projects that may not be realized, but that Metrolinx has the authority to pursue.
- It is unclear why the legislative changes to the BTFA are necessary, as the Act already includes a mechanism for Cabinet to prescribe new/existing provincial transit projects as a "priority transit project".

The enclosed attachment contains the City's full comments and recommendations on the changes to the *Building Transit Faster Act*.

We look forward to continuing our strong working relationship with the Province and supporting the success of Ontario's transit priorities through open, respectful, and coordinated efforts.

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact me directly or James Perttula, Director, Transportation Planning (416-392-4744).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
Schedule 2 – Building Transit Faster Act, 2020				
1.1	Amending the definition of “priority transit project” by removing “provincial” to now read “any other prescribed transit project”	Through s.84.1(0.a) this new definition allows the Lieutenant Governor in Council to prescribe any transit project as a priority transit project, beyond those included as a “provincial transit project”. In the future, this could allow more projects to be considered under the Building Transit Faster Act. However, if this schedule is adopted, there will not be any clauses remaining in the Act that implicate “priority transit projects”. See (3) below. In isolation, this change may not have much of an impact, however, should further amendments be introduced that give additional powers through the Act or enable regulations to be created that are based on the “priority transit projects” definition, there are potential significant implications for how any prescribed transit project is administered. This includes impacts on the ability to enter lands for due diligence work, removal of obstructions (e.g., trees), land assembly and municipal permitting.	Do Not Support (More Information Needed)	Provide clarity on the purpose of retaining this definition as no clauses will refer to the definition. Remove the definition of “priority transit projects”.
1.2	Adding a new definition of “provincial transit project” to include any transit project that Metrolinx has the authority to carry out. Then replacing “priority transit project” with “provincial transit project” except in three cases (two definitions and clause 84(1)(0.a) (see above).	This significantly broadens the applicability of the Building Transit Faster Act to any project that may be carried out by Metrolinx beyond the existing four projects in Toronto. Many new and existing projects, including improvements to the entire GO Transit network, a Sheppard Subway extension, and/or the Durham-Scarborough or Dundas BRT projects, could be subject to the Building Transit Faster Act. However, Metrolinx also operates regional bus services. This deviates from the existing scope of subway and LRT projects. Impacts of this include the ability to enter lands for due diligence work, removal of obstructions (e.g., trees), land assembly and access to municipal services and/or rights-of-way among others. The application of the Act to BRT or LRT projects that often solely exist within the right-of-way may have significant impacts on the City’s control over its rights-of-way, including its street trees. As the Minister is not required to compensate a municipality for any obstruction removals, the City may stand to lose assets if the Minister deems them to be obstructing a transit project. One part of the Act, the Corridor Development Permit process, would create additional hurdles and administrative burden for the City of Toronto as it works to advance much needed infrastructure projects, if those projects fall within the vicinity of a prescribed transit project. Expanding the scope of the BTFA to include all Metrolinx projects (e.g. any GO Expansion projects) would result in a significant expansion of these constraints, which may include cases where the authorities are not required. Of note, potential reprioritization on the delivery of transit projects can impact the review and constructability of ancillary Toronto Water projects Given the long-term planning horizon of Metrolinx the various regional transportation plans, there is the potential for impacts on corridors, obstacles, and municipal service and right-of-way	Do Not Support	It should be noted that the BTFA already includes a mechanism to allow the Province to prescribe new/existing provincial transit projects as Priority Transit Projects for which the BTFA authorities would apply, rather than blanket application to all Metrolinx projects. Therefore, it is recommended to retain the existing definitions and prescribe projects via regulations that require interventions via the Act or rephrase to say, “a project that Metrolinx is actively carrying out”. It is important to understand at what stage the ability of the Minister or its delegates to carry out actions of the Act may be triggered.

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
		access for projects that may not be realized, but that Metrolinx has the authority to pursue. This is a significant departure from the four projects identified as works are already underway for those. Further clarification is required to determine when the powers identified in this Act may be realized for a project.		
2	Removing reference to “provincial” for the clause that enables the Lieutenant Governor in Council to make regulations prescribing transit projects	See above – appears to be a housekeeping update. Potential for non-Metrolinx led projects to be prescribed as a priority project through regulations. However, there will be no other references to “priority transit projects” in the Act if the Schedule 2 of Bill 17 comes into force.	Do Not Support (More Information Needed)	Provide clarity on whether future amendments to the Act will be made that introduce clauses based on the new “priority transit project” definition. If no new clauses that reference “priority transit project” are anticipated, this clause can be removed.
3	Substitutes almost all references of “priority transit project” with “provincial transit projects”	Housekeeping change that applies the new, broader scope of projects in the Building Transit Faster Act.	Do Not Support	above – retain existing or update definition.

Jason Thorne, MCIP, RPP
Chief Planner & Executive Director
City Planning

Tel: 416-392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

City Hall,
100 Queen Street West,
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Valesa Faria
Executive Director
Development Review

Tel: 416-392-0602
Valesa.Faria@toronto.ca

June 11, 2025

Ministry of Municipal Affairs and Housing
Provincial Planning Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3
PlanningConsultation@ontario.ca

RE: 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) (ERO 025-0461)

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to the legislative changes to the *Planning Act* and *City of Toronto Act* by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). It is noted that Bill 17 received Royal Assent on June 5, 2025, six days prior to the deadline for comments through the Environmental Registry of Ontario. These comments and recommendations are being submitted to ensure that the City's position regarding these changes is known and that future legislative changes to the *Planning Act* and *City of Toronto Act* can address our recommendations.

Below is a summary of the City's comments.

- Streamlining complete application requirements in the *Planning Act* and *City of Toronto Act* are **supported in principle**, however, over-regulating these requirements at the provincial level is likely to result in a one-size-fits-none approach, adding cost, time and potentially undue municipal risk to the development application review process.
    - The City is committed to working with the Province towards achieving provincial objectives in a manner that mitigates unintended consequences.
    - To this end, the City encourages the Province to undertake meaningful in-depth technical consultation with municipalities to better understand the wide range of municipal development contexts and application requirements municipalities rely on to address matters of health, safety, accessibility, and sustainability.
- Prior to meaningful consultation, the City **does not support** the *Planning Act* and C*ity of Toronto Act* changes that would allow the Minister to prescribe which certified professionals a municipality would be required to accept studies from as part of a complete application.
    - Importantly, requiring municipalities to accept information and materials prepared and certified by a prescribed professional as "complete" regardless of municipal staff's assessment of whether it is, in fact, complete, will delay the review process until information that staff require for the purpose of review is provided.
    - There may also be instances where different certified professionals for different studies make incompatible recommendations.

    - As municipalities will be unable to compel prescribed professionals to update information and materials, this may lead to indefinite delay or additional internal due diligence (review or study) by municipalities, which is both costly and time consuming.
- Changes to the *Planning Act* to prohibit Official Plans and Zoning By-laws from restricting public elementary and secondary schools on lands with residential permissions is **partially supported**, however, this change creates a policy conflict with the Provincial Planning Statement that should be resolved. Specifically, Policy 5.2.6 prohibits the development of day cares and schools in hazardous lands. There are some instances of urban residential lands in the City of Toronto that are located within hazardous lands and therefore would be required to permit the development of schools and ancillary day cares. In alignment with Policy 5.2.6, it is recommended that schools and ancillary day cares not be permitted in hazardous lands.
- Changes to the *Planning Act* to allow the Minister to prescribe "as-of-right" variances for setbacks are **not supported**. The proposed approach may have unintended consequences that make the application of zoning standards unnecessarily complex, less transparent and understandable to the public, with less predictable outcomes. For example:
    - Required setbacks in zoning by-laws may relate to non-obvious factors, such as implementing separation distances from sensitive uses, industrial and utility facilities, TTC/Metrolinx transit infrastructure, or natural heritage features.
    - Required setbacks in zoning by-laws may also be derived from other standards, such as protecting for adequate paths of travel for Fire & EMS access to a garden suite, required vehicular maneuvering and parking space dimensions, and protecting for site permeability and tree protection necessary for climate adaptivity.
- Changes to the *Planning Act* to add conditions to the issuance of a Ministers Zoning Order (MZO) are **partially supported**. However, to ensure that financial and operational risks to the City are mitigated, it is recommended that Section 47 of the *Planning Act* require prior consultation with affected municipalities if a condition would require a landowner to enter into an agreement with a municipality.
    - For example, if a condition is attached to an MZO that requires a landowner to provide a childcare centre, without prior consultation with the City, the childcare centre may not be designed and zoned in a way that meets the City's Childcare Development Guidelines. Furthermore, the Childcare Centre may be in a location that is already adequately served and therefore does not align with the City's infrastructure Plans.

The enclosed attachment contains the City's full comments and recommendations on the changes to the *Planning Act* and *City of Toronto Act*. Please note that the City has also submitted feedback regarding the proposed regulations for as-of-right variations from setback requirements (ERO 025-0463) and complete applications (ERO 025-0462).

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact Corwin Cambray, Director, Strategic Initiatives, Policy & Analysis Section (416-388-1910) and/or Michelle Drylie, Director, Development Process & Technology, Development Review Division (416-392-3436).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

Valesa Faria
Executive Director
Development Review

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
Schedule 3 – City of Toronto Act, 2006				
1 (1)	Remove the timing restrictions with respect to when a portable classroom was placed on a school site for the purposes of the definition of "development" in subsection 114 (1) of the Act.	This change presents minimal impact to the City in terms of application volume and value-added application review.	Support	No Recommendations
1 (2)	Reflecting that information and material the City may require of an applicant is subject to regulation.	Same as 1 (4)	Do Not Support	Same as 1 (4)
1 (3)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession.	Same as 1 (4) This change presents a range of potential impacts to the City, including but not limited to: • **B**eing required to deem an application requirement "complete" in cases where it is incomplete. • Inability to require changes or improvements to an application requirement prior to it being deemed complete, thereby pushing those changes or improvements from the complete application stage to the review stage, causing additional back-and-forth and delay. • Per the comment above, inability to effectively implement the City's two-step circulation process, which ensures effective and timely processing of complete applications. • Updates to Terms of Reference for application requirements to specify which prescribed professions can certify an application requirement, or a specific aspect of an application requirement in cases where multiple prescribed professions may be required. • Potentially confers undue risk to the City in cases where the City is required to accept an application requirement that is either incomplete or for which the prescribed profession does not have appropriate expertise. • If implemented appropriately (including appropriate risk mitigation), this change may enable the City to remove existing Peer Review processes for certain application requirements (e.g., Air Quality, Noise, Vibration, Odour, etc.)	Support in Principle	The City supports this change in principle and suggests the following modifications: • The Province consult with municipalities prior to issuing further regulation identifying prescribed professions. • Any regulation should specifically identify which categories of application requirements each prescribed profession can appropriately certify.
1 (4)	Ministerial authority to issue regulations related to the information and material that may or may not be required as part of a complete Site Plan application.	This change presents a range of potential impacts to the City, including but not limited to: • Unnecessarily limiting the City's ability to establish and maintain application requirements through a typical Official Plan Amendment process. • Inappropriate standardization of requirements at the Provincial level, including potentially requiring information and materials in contexts where they are not relevant and not requiring information and materials in contexts where they are needed.	Do Not Support	The City has established a "best in class" process for managing application requirements included in Schedule 3 of the Official Plan. The City recommends the Province consult with municipalities, and specifically the City of Toronto, to gather best practices related to management of application requirements, including the City of Toronto's Staff Guide to Developing and Updating Application Requirements and Standard Application Checklist.

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
		• Increased administrative burden for the City and applicants to track and manage changes to application requirements in multiple locations (i.e., regulations and the Official Plan)		
1 (4a)	Ministerial authority to issue regulations related to prescribed professions	Same as 1 (3)	Support in Principle	The City supports this change in principle and suggests the following modifications: • The Province consult with municipalities prior to issuing further regulation identifying prescribed professions. • Any regulation should specifically identify which categories of application requirements each prescribed profession can appropriately certify.
Schedule 7 – Planning Act, 1990				
1 (1)	Prohibits Official Plans from including policies that would prohibit public elementary or secondary schools (and ancillary uses such as child care centres) on any lands that have residential permissions (i.e. “urban residential land”)	Same as 1 (2)	Partially Support	Same as 1 (2)
1 (2)	Any existing Official Plan policies that prohibit public elementary and secondary schools on lands that have residential permissions are of no effect.	There are five land use designations in the Official Plan that permit residential uses: Neighbourhoods, Apartment Neighbourhoods, Mixed Use Areas, Institutional Areas, and Regeneration Areas. The Official Plan does not prohibit public elementary or secondary schools in these land use designations. As such, the Official Plan already conforms to this change.	Partially Support	This change potentially causes a policy conflict with Provincial Planning Statement policy 5.2.6, which prohibits development of pre-schools, school nurseries, day cares and schools in hazardous lands. There are some instances of “urban residential land” that are within hazardous lands where elementary schools and secondary schools would be permitted despite this policy if this change to the Planning Act receives Royal Assent.
2 (1)	Municipalities shall obtain written approval from the Minister prior to an OPA related to application requirements.	This change is unlikely to impact the City in the near term as OPA 720, which updated Schedule 3 of the Official Plan came into effect in June 2024 and no further updates to application requirements are planned.	Do Not Support	The City does not support this change as it introduces an additional, undefined administrative process to obtain written approval from the Minister. The City recommends the Province continue to allow municipalities to advance Official Plan Amendments to manage application requirements at the municipal level. In cases where Ministerial approval is preferred, the Province should rely on the existing Ministerial approval mechanism under Section 26 of the Act for OPAs that affect application requirements.
2 (2)	Repeal of the provision that requires municipalities to obtain written approval from the Minister prior to an OPA related to application requirements, once a subsequent regulation is in effect.	Same as 2 (1)	Do Not Support	Same as 2 (1)
3 (1)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 22)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
3 (2)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 22)	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
4 (1)	New subsections 34 (1.4) to (1.7) of the Act set out rules with respect to minimum distances that buildings on certain lands must be setback from parcel boundaries. (i.e. “as-of-right variances”)	The approach may have unintended consequences that make the application of zoning standards unnecessarily complex, less transparent and understandable to the public, with less predictable and certain results for other minor variance applications. • The proposed “as-of-right” setback reduction is inconsistent with the Planning Act’s four tests for a minor variance, and will	Do Not Support	The City does not support this change, but recommends the Province consider making use of existing tools under the Planning Act and other legislation to improve or simplify the minor variance process. Potential alternative approaches might include: • The Minister could utilize their powers under s45(1.0.1) to prescribe criteria for Committees of Adjustment to consider in evaluating minor variances, or could exercise its powers under s70.1(1) to prescribe rules of procedure for Committees of Adjustment.

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**

		complicate review of other minor variances on the property or abutting properties.
		• The nature of variances is that they need to be considered in their context. A threshold percentage set out in this regulation will be inherently arbitrary, whether 10% or any other number, as a variance to a setback may be of little concern on one property but highly impactful on a different property.
		• Required setbacks in zoning by-laws may relate to non-obvious factors, such as implementing separation distances from sensitive uses, industrial and utility facilities, TTC/Metrolinx transit infrastructure, or natural heritage features. They may also be derived from other standards, such as protecting for adequate paths of travel for Fire & EMS access to a garden suite, required vehicular maneuvering and parking space dimensions, and protecting for site permeability and tree protection necessary for climate adaptivity.
		• The use of prescribed areas from O. Reg. 254/23 will make the applicability of the permissions unpredictable and inequitable, due to their irregular geography and the non-contextual nature of the setback relief. (e.g. one residential lot several blocks away from a rail line may receive relief for a front yard setback reduction, while the abutting residential lot would not)
		• Projects may receive “as-of-right” setback relief, but require variances for related standards (e.g. a front yard setback reduction that would result in a substandard parking space). It is unclear how the Committee of Adjustment should consider the “as-of-right” setback relief when its impact on related standards would not satisfy the statutory four tests for a minor variance.
		• It is unclear whether the “as-of-right” setback reduction is intended to apply to all buildings and uses, or only to development that contains residential units.
		• The intent of the s34(1.6) transition provisions is unclear. As written these may be interpreted as excluding all existing buildings and uses, and superseding subsequent zoning by-laws that revise setback standards.
				• The Minister could introduce regulations under s34(16) to prescribe criteria for Zoning with Conditions that would provide municipalities and developers flexibility in the erection or location of buildings and structures.
				
				• The Province could empower municipalities to delegate certain categories of minor variances to staff, for example variances identified during a Site Plan Control approval process, rather than requiring a Committee of Adjustment hearing. Such an approach would be more consistent with delegations for:
				  • Minor Zoning By-laws [Delegation of Minor By-laws (s39.2)]
				  • Variations from development standards in a community planning permit by-law [Community Planning Permit Systems (s70.2 & O. Reg. 173/16)]
				
				If the Province proceeds with the proposed approach, we recommend that the prescribed areas for s34(1.5) be identified in the same regulation as the prescribed percentage reduction rather than through reference to the Site Plan Control sections of the Planning Act, or otherwise that the corresponding reference to Site Plan Control authority in s114(1.2) of the City of Toronto Act (and O. Reg. 255/23) be added. We further recommend that the Province give additional consideration to the transition provisions.

4 (2)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 34)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
4 (3)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 34)	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
5	Housekeeping change	No comment	Support in Principle	No recommendations
6	New section 35.1.1 is added to the Act. restricting zoning by-laws with	City-wide Zoning By-law 569-2013, as adopted by Council, only permits lawfully existing schools within residential zones, with the	Partially Support	Same as 1(2).

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
	respect to prohibiting the using a parcel of urban residential land for an elementary school, a secondary school or a use ancillary to such schools.	expectation that any new schools would be zoned institutional. This limits the proliferation of private schools within residential neighbourhoods, and supports Provincial and City Official Plan policy direction to prioritize the retention and reuse of surplus public service facilities and open spaces for community use (see OP policies 3.2.2.2 to 5). *Zoning By-law 569-2013 remains under appeal by the TDSB and TCDSB. A settlement was recently approved by the OLT, applying residential zoning with site-specific permissions for a public school on 343 (of 890) existing school sites.* The impacts of this legislative change appear limited, as the permissions would not apply to private schools and the proposal does not require permitting residential uses on existing institutionally-zoned school properties. The change will require revisions to the Zoning By-law to permit public schools in residential zones.		
7 (1)	Remove the timing restrictions with respect to when a portable classroom was placed on a school site for the purposes of the definition of "development" in subsection 41 (1.1) of the Act.	Same as Schedule 3 (COTA) comments on 1 (1).	Support	No recommendations
7 (2)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 41)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
7 (3)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 41)	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
8	Adds a new power under Section 47 (Minister Zoning Orders) to allow the Minister to place conditions on the issuance of a Ministers Zoning Order. A Minister Zoning Order would be of no effect until the Minister is satisfied that the conditions have been or will be fulfilled.	The impact of this legislative change is unknown as it will depend on the conditions attached to any given MZO. However, as Section 47 does not require pre-consultation with the affected municipality there is any increased risk that conditions attached to MZOs could have unintended consequences. For example, if a condition is attached to an MZO that requires a landowner to provide a childcare centre, without prior consultation with the City, the childcare centre may not be designed and zoned in a way that meets the City's Childcare Development Guidelines. Furthermore, the Childcare Centre may be in a location that is already adequately served and therefore does not align with the City's infrastructure Plans.	Partially Support	It is recommended that: • The types of conditions that could be included as part of an MZO be clearly laid out under Section 47 or by regulation for greater clarity and certainty. • If a condition is to be included as part of an MZO that would require the landowner to enter into an agreement with a municipality, there is a requirement for the Minister to consult with the municipality prior to filing the regulation. Consultation with municipalities about proposed conditions would be valuable especially where the Ministry expects that the condition would be secured through an agreement with the municipality or there is a possibility that lands or facilities would be conveyed to the City, or the City may need to assume future operating/capital costs, etc. • Clarification be provided under Section 47 that MZO conditions do not count against either the Community Benefits Charge or Development Charge owing to a municipality. • Enact a regulation, pursuant to subsection 113 (2) of the City of Toronto Act and subsection 34 (16) of the Planning Act, to permit municipalities to use zoning with conditions.
9 (1)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 51)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
9 (2)	Provide certain rules with respect to information and material prepared by a	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
	person authorized to practise a prescribed profession. (S 51)			
10 (1)	Reflecting that information and material the City may require of an applicant is subject to regulation. (S 53)	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)
10 (2)	Provide certain rules with respect to information and material prepared by a person authorized to practise a prescribed profession. (S 53	Same as Schedule 3 (COTA) comments on 1 (3)	Support in Principle	Same as Schedule 3 (COTA) comments on 1 (3)
11	Govern the information or material that may be required under various sections of the Act, specifying information or material that may or may not be required to prevail over any requirements in an official plan.	Same as Schedule 3 (COTA) comments on 1 (4)	Do Not Support	Same as Schedule 3 (COTA) comments on 1 (4)

Stephen Conforti
Chief Financial Officer & Treasurer

Paul Johnson, City Manager

Finance and Treasury Services
City Hall
100 Queen Street West
4th Floor, East Tower
Toronto, Ontario M5N 2H2

Tel: 416-397-4229
Stephen.conforti@toronto.ca

June 11, 2025

Ministry of Municipal Affairs and Housing
Municipal Finance Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3
MFPB@ontario.ca

RE: Changes to the Development Charges Act, 1997 to Simplify and Standardize the Development Charge (DC) Framework (25-MMMAH003)

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to the legislative changes made to the *Development Charges Act* by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). It is noted that Bill 17 received Royal Assent on June 5, 2025, 6 days prior to the deadline for comments through the Ontario Regulatory Registry. These comments and recommendations are being submitted to ensure that the City's position regarding these changes is known and that future legislative changes to the *Development Charges Act* can address our recommendations.

The City currently offers targeted development charge exemptions and discounts to advance priorities such as affordable, rental, and market housing and green initiatives. In addition, the City recently initiated temporary incentive programs to unlock additional market and affordable housing units, by providing indefinite DC waivers to 6,128 new market rental units and a four-year interest-free deferral for 3,000 condominium units. The City also chose to prevent annual development charge rate indexing by leveraging Section 27 agreements for all new residential development. City Council has previously requested that municipalities be granted the authority to remove indexing requirements without undertaking a full statutory review. Staff acknowledge and appreciate the steps taken in Bill 17 to accommodate this request.

Many of the issues raised in the Bill align with areas the City was planning to analyze and consider through its Comprehensive Development Charges Review, in support of spurring development activity and new housing supply. However, further clarity and refinement to the provincial proposals are required to determine the full potential impacts on the City of Toronto. The City requests continued collaboration with the Province on Bill 17 and its implementing regulations. Clarifying and simplifying the development charges framework will help ensure it supports shared goals around housing, infrastructure, and financial sustainability.

Based on a preliminary review, staff expect that the most significant impact to the City of Toronto is the decision to defer the payment of all residential DCs until the time of occupancy. Based on an assumed average deferral period of three to four years, the City expects a $1.9 billion cash flow impact over the next decade which will affect the City's financial capacity to deliver critical growth-related infrastructure and may require the reprioritization of planned capital projects. In addition, Bill 17 will result in additional

financial impacts from the elimination of interest payments and prescriptive limits on cost recovery, and residual impacts from previous provincial legislation, including Bill 23.

In order to better respond to Bill 17, the City is requesting:

- Greater flexibility to allocate development charge funding across all eligible development charge projects, in order to better manage cash flow concerns raised;
- Authority to direct intergovernmental infrastructure funding contributions toward the non-growth share of development charge-eligible projects;
- The establishment of regular working group meetings with the Ministry of Municipal Affairs and Housing to consult on regulations, and on any broader changes to be considered within the development charges framework, including the role of the Ontario Land Tribunal;
- Formal confirmation that the creation of Municipal Service Corporations will remain optional, not mandatory, for the City of Toronto;
- Provincial support for direct funding of major regionally beneficial, growth-related infrastructure projects, including transit expansion; and
- Stronger alignment and partnership between the City, the Province, and the federal government to jointly address housing affordability and infrastructure challenges.

While concerns remain about the long-term impacts of Bill 17 on the City's financial sustainability, which would be mitigated with the flexibility to allocate development charge funding across all eligible development charge projects and added provincial support towards development charge funded transit expansion initiatives, however the City of Toronto is choosing to proactively adopt some of the measures outlined in Bill 17 in advance of required timelines to ensure we remain a cooperative partner in delivering new housing supply. We look forward to ongoing, long-term dialogue on how best to fund growth-related infrastructure while enabling the delivery of complete, liveable communities across Ontario.

The enclosed attachment contains the City's full comments and recommendations on the changes to the *Development Charges Act*.

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact me directly or Lauren Birch, Director, Financial Strategy & Policy (lauren.birch@toronto.ca).

Sincerely,

Original signed by:

Stephen Conforti
Chief Financial Officer and Treasurer
City of Toronto

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
Schedule 4 – Development Charges Act, 1997				
1. Changes Effective Upon Royal Assent				
S4.4	**New Exemption for All Long-Term Care Homes (Municipal DCs Only)** *Current:* • Effective 2022, through Bill 23 changes to the DCA, non-profit housing is exempted from DCs, including non-profit long-term care (LTC), if the primary objective of the entity is to provide housing. • Council also has approved a DC deferral program for non-profit LTC homes. *Change:* • Also exempt private LTC homes from paying DCs	*Financial Impact:* • Financial impact to the City of Toronto will be dependent on development activity of for-profit LTC homes, however impacts are expected to be relatively minor. • DCs can still be collected to support a portion of growth-related municipal LTC costs.	Neutral (More Information Needed)	*Comment:* The City acknowledges that supporting LTC homes is a provincial objective; however, the impact of exemptions will reduce the City's ability to provide critical infrastructure and services to the new homes. It is unclear how the province expects municipalities will offset the additional revenue loss. *Recommendation Modification:* The Province provide more information regarding potential funding to enable the creation of LTC homes. While Bill 17 does not prevent the City from collecting DCs to support LTC costs, without a new funding model for long-term care, City Council has signaled to the Province an inability to implement the previously announced 978 new LTC home beds as part of the City's Senior Services and Long-Term Care Capital Redevelopment Plan. Instead, the City will be required to focus on revitalization and state of good repair for existing infrastructure (Item EX7.1).
S26.2	**Change to DC Calculation Framework and Frozen Rates** *Previous:* • Prior to Bill 108, DCs were calculated and collected at the	*Current City Policy:* • When developers request a below grade conditional permit, the City of Toronto requires a Section 27 agreement. Where there is a	Neutral	*Comment:* The City supports the goal of expediting affordable housing delivery along with infrastructure delivery. However, the requirement to collect at the lower amount of either a) frozen DCs, with interest, at the

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
	rate in effect at the time the building permit was issued. *Current:* • Effective Jan 1, 2020, DC rates are frozen on the date a complete site plan application is submitted.[1] The DC freeze expires after the statutory period[2] which extends from the *approval* date of the submitted application to the date a building permit is issued. If the statutory time has lapsed, DCs are calculated based on rates at the time of permit. • DCs are collected at permit, with the exception of rental, institutional and non-profit housing[3] which are deferred to occupancy and collected in annual instalments, with interest. • Where there is a s27 agreement between the City and the developer, the DCs are calculated and collected based on the dates set out in the agreement. *Change:* • DCs will be calculated based on the ***lower of****:*	s27 agreement, s26.2 of the Act does not apply • A below grade conditional permit allows a developer to begin excavation and foundation work before all approvals for the full building permit are in place. It is issued at the discretion of the Chief Building Official and subject to conditions and agreements. • Under this s27 agreement, applicants pay the DC rates calculated at building permit issuance rather than the applicable rate frozen at the time of a complete planning application. • The changes to the DCA will require developments to owe DCs calculated at the lower amount of these two points in time, but payable at occupancy. • Most residential developments in Toronto[4] obtain below-grade conditional permits to be able to proceed with		time of application approval, or b) the permit issuance rate, while also potentially deferring payment to occupancy adds additional complexity into a process that already has significant financial, administrative / operational challenges for both municipalities and applicants. However, the City acknowledges that this change will create greater cost certainty for developers, and staff were planning on reviewing the appropriate approach to frozen rates as part of the City's Comprehensive DC Review. As such, the City is prepared to proactively implement these changes to incentivize housing supply. *Recommendation Modification:* The Province work collaboratively with municipalities and developers to evaluate how best to support shared housing and infrastructure goals. Further, consideration should be given to returning to the previous regime, where DCs are calculated and collected at the time of building permit issuance, which is simpler to understand and administer for all participants.

[1] The date the submitted application is deemed complete, on or after January 1, 2020.
[2] The statutory timeline was originally two years and changed to 18 months through Bill 185 changes to the DCA
[3] DCs for non-profit housing were originally deferred to occupancy and paid in 21 equal annual instalments over 20 years, with interest. The province subsequently exempted non-profit housing from DCs, CBCs and parkland dedication through Bill 23 changes to the DCA that came into effect in 2022.
[4] 83% and 99% of units in 2023 and 2024, respectively.

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
	○ DC rate, frozen at the time of application, plus interest ○ DC rate at the time of permit issuance, unless the statutory timeline has passed • The DC amount owing will reflect the 'lower of' the above amounts. Payment will be due at occupancy (see s26.1). • There was no change to the maximum interest in s26.3 of the DCA or provisions to enter into an agreement under s27 of the DCA. Interest is permissible from the time of complete planning application to the time of payment.	development at an earlier date. • Since January 1, 2020, planning applications were submitted for approximately 296,000 residential units. Of these, about 270,000 units have not yet received final approval, and may qualify for frozen DC rates under the DCA. *Potential Impacts* • The actual financial impacts of this change will depend on development activity, the respective length of time the freeze would have applied, and rates in effect at those points in time. • Based on recent development trends, it is expected that the net foregone revenue is approximately $22,000 per unit, reflecting the difference between the average applicable frozen rate and the rate at the time of building permit issuance. • Anticipated financial implications will be greater in the short-term, as development projects with a frozen rate and no development charge payment agreement in place		

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
		proceed to issuance of first building permit. • For example, assuming a scenario of 8,500 units subject to DCs in the initial year, the estimated impact would be approximately $187 million. • Impacts would continue as projects move from the pipeline to development. • On a go-forward basis, however, impacts will depend on the rates in effect at the time of a development's planning stages. • For example, given the City has currently effectively frozen rates from June 6, 2024, any projects with relevant complete applications that freeze DC rates as of that date would be subject to the same DC rate as today, and therefore would not represent an additional financial pressure to the City. *Other Impacts:* • Introduces additional administrative complexity requiring staff to maintain and compare multiple DC rates for a given permit application.		

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
S19 (1.1)	**Enable Reduced DC Rates Without a Background Study or Public Consultation** *Current:* • Any changes to DC rates would amend the City's DC by-law, which requires a new DC Background Study and statutory public meeting. *Change:* • Municipalities can reduce their DC rates without existing procedural requirements.	*Key Considerations*: • Would expedite implementation of strategic reductions and discounts to address emerging issues, such as the recent Council direction to effectively freeze DCs at June 6, 2024 rates. • These benefits are weighed against lower public transparency and may reduce accountability between infrastructure investments and growth requirements.	Support	*Comments:* City Council has previously requested the Province amend the DCA to authorize municipalities to adjust or remove annual indexing provisions without requiring procedural steps to amend the DC by-law to incentivize new housing (Item CC27.1, Item MM29.16). The City appreciates the Province has granted this request. It should be noted that the change in Bill 17 is specific to enabling rate reductions only. If rates are reduced to respond to temporary market conditions, that amount may become a future ceiling on what can be collected.
2. Changes Effective Upon Proclamation				
S26.1 and S28 Pg 16 of the technical brief	**Deferred Payment of Residential DCs to Occupancy Without Interest** *Current:* • DCs are collected at time of permit issuance for most residential development. • DCs for rental and institutional development (15% of development activity) are collected in six annual instalments over five years starting from occupancy, with interest. • Where there is a s27 agreement, the calculation and collection is based on the dates set in the agreement.	*Financial Impact:* • Based on an assumed average three to four-year deferral period until occupancy, the City expects a **$1.9 billion cash flow impact** over a 10-year timeframe, excluding any impacts associated with foregone interest. • While funds will ultimately be received by the City at a later date, this will impact the City's ability to fund critical growth-related infrastructure in the 10-Year Capital Plan. • Capital projects may need to be reprioritized based on available cash flow.	Do Not Support (More Information Needed)	*Comments:* The City supports efforts to improve housing supply and affordability by addressing construction financing challenges in the early stages of development. For example, the City recently introduced a limited program to defer DCs for 3,000 new condominium units (Item EX21.13). However, permanently deferring DCs to occupancy for all residential development increases financial risk and greatly impacts the City's financial capacity to deliver key growth-related capital infrastructure to support new development.

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
	• Occupancy permits are only required for certain residential developments. • Municipalities have the authority to withhold building permits until required DCs are paid. *Change:* • DC collection will be deferred until occupancy (the earlier of first occupancy or occupancy permit) for all residential development. • No authority to charge interest on the payment deferral, if rates are based on permit date. • Authority to withhold occupancy permit for payment of DCs; however, not all residential development requires occupancy permit under the BCA. • If prescribed conditions exist, municipalities may require a financial security for the deferred DC payment.	• While the City already has deferral programs in place for rental and institutional development, Bill 17 removes the ability to charge interest on their instalment payments. *Other Impacts:* • Staff will need to consider potential process changes associated with granting occupancy permits. This may result in administrative delays. • DCA changes will result in increased collection risk as unpaid DCs added on the tax roll do not have priority lien status, unlike property taxes. • The City has introduced time-limited payment deferral programs as a method to incentivize the supply of new housing and delivery of affordable housing units. This would no longer be an incentive, given all development will be granted a deferral.		*Recommendation Modification:* To better respond to significant cash flow deferral impacts and limit potential impacts to planned capital infrastructure, provide municipalities the flexibility to spend DC funds across all DC eligible capital projects, without the need for repayment. The City also requests the Province consult with municipalities to ensure there is an appropriate collection mechanism, such as requiring DCs to be paid upon registration of the condominium, or secured by agreement registered in title to land, with clear enforcement tools and a collection mechanism. As part of this consultation, aim to reduce potential risk of payment obligations being shifted from developers to occupants and home purchasers, and to ensure that municipalities are able to follow a consistent and transparent process for withholding an occupancy permit if DC payment is outstanding. Further, grant **priority lien status** for unpaid DCs to be added to the property tax roll, as previously requested by the City of Toronto (Item PH12.7), to mitigate collection risk of rental instalments.

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
3. Changes Requiring Provincial Regulation[5]				
S59 Pg 15 of Technical Briefing	**Prescribing the Definition of a Local Service** *Current:* • s.59 of the DCA delineates "local services" as infrastructure required as a condition of development and is funded directly by developers. • In contrast, DC eligible costs are broader growth-related works and may be partially recoverable through DC credits. • Municipalities typically establish a local services policy when preparing a DC Background Study. This guides the list of capital projects that are to be funded by DCs and included in the DC Background Study to justify reasonable and defensible rates. Local discretion allows tailoring to planning context and service models. *Change:* • The Province will have regulatory authority to define and mandate what is considered a local service.	*Key Considerations*: • What is deemed a local service in one municipality may vary to another, depending on size, density and type of development. • It is important that prescribed local services are aligned with the comprehensive municipal DC by-law process. *Financial Impact:* • Depending on the regulations, may shift infrastructure costs away from DCs to direct developer obligations, or vice versa, depending on how services are classified. The City may be required to fund additional costs. This may have a long-term impact on the ability to deliver critical infrastructure needed to support development. *Timing:* • There is no clarity on whether new regulations would impact the City's current DC by-law or	Neutral (More Information Needed)	*Comments:* The City supports best practices and standardization where it makes sense and aligns with local planning and service delivery objectives. While we recognize the intent behind mandating definitions through regulation and acknowledge this may help to prevent delays in the development process, it is important that these changes do not simply shift additional infrastructure costs from the developer to municipalities. While the principle is that growth pays for growth, growth-related capital projects are only partially recovered by DCs, with other sources of municipal funding required to deliver projects. It is currently estimated that the City recovers approximately 55% - 60% of DC eligible costs through DCs. Shifting additional infrastructure costs to the City may potentially mean more projects need to be reflected in the City's next Background Study. This would have the adverse effect of potentially increasing DC rates. *Recommendation Modification:* Rather than mandating the definition of a local service, the Province develop a best practice guide, in collaboration with municipalities and industry stakeholders,

[5] Some of the changes come into effect upon Royal Assent but are subject to further information to be provided through provincial regulation, which will be necessary to determine the operational and financial impacts to the City.

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
		whether changes would be applied to the next DC Background Study and by-law.		as done in British Columbia (link), with the objectives of: 1. Encouraging local governments to adopt standard practices for the formulation and administration of DC by-laws, while recognizing some flexibility is necessary to accommodate unique local circumstances. 2. Providing guidance using industry best practices on how DCs should be calculated and administered. The City would appreciate continued consultation on the development of any associated guidelines and regulations to ensure alignment with municipal practices and policy objectives. As well, transition planning is important to ensure that any new regulations are incorporated into the next DC by-law process.
S41 Pg 15 of Technical Briefing	**Mandating Merging of DC Credit Service Categories** *Current:* • A DC credit is granted when a developer constructs eligible infrastructure instead of paying part of their DCs. These credits offset future DC payments. • Typically credits offset DCs owed for the same service, however, municipalities can agree to apply DC credits earned for one DC	*Key Considerations:* • Shifts from permissive (by municipal agreement) to prescriptive (by regulation). • Expands the value of credits across more DC services. • Limits municipal authority and control over their DC policies. *Financial Impact:* • It is expected that merging service categories for credit purposes will have a	Neutral (More Information Needed)	*Comments:* The intent of DC credits is to ensure that developers are reimbursed when they take on capital work that was identified in a DC Study. The City currently engages with developers in the determination of appropriate, eligible DC credits. Changing the DC credit approach may result in the City needing to grant additional DC credits resulting in the City receiving less revenue. Changes will need to be monitored closely to ensure that developers receive credits when a municipality's capital project costs are offset and that funds can flow

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
	service (e.g. roads) to another (e.g. transit). *Change:* • Allow the Province, by regulation, to mandate how credits are applied by merging service categories.	negative impact on the City of Toronto. • As an example, an individual development that may receive a DC credit today to deliver a road in exchange for a DC road credit, may now also be eligible for DC parks credits. This would result in less DCs received to deliver parks. • May impact individual DC reserve funds depending on which services are mandated, limiting the City's financial capacity to advance key growth-related projects. *Timing:* • There is no clarity on timing of expected new regulations.		effectively between parties within the merged categories. *Recommendation Modification:* The City requests further productive engagement with the province and the development industry to refine the proposal, and is requesting the following: • Maintain municipal discretion by keeping credit allocation permissive, not prescriptive. • If service categories are to be merged, allow municipalities to determine how credits are allocated within those categories and the values to be restricted. • Provide municipalities with the flexibility to spend DC revenue across all eligible DC services in order to better respond to impacts across services. • Consult with municipalities prior to enacting any regulatory change, as well on the development of new/merged service categories. Include transition provision period to allow existing agreements and financial plans to be adjusted.
5(3)	**Prescribe Limits on Eligible Recoverable Costs** *Current:* • The DCA lists eligible capital costs, such as land, buildings and computer equipment that can be recovered from DCs, though can	*Financial Impacts:* • Depending on regulations, may provide broader authority to exclude costs like land, vehicles, or studies from being DC recoverable. • This would require the City to be responsible for	Neutral (More Information Needed)	*Comments:* Depending on the detailed regulations, the City expects this may limit what can be included as a cost when calculating DC rates, and therefore will reduce the amount of DC revenue we can collect. *Recommendation Modification:*

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
	be potentially limited by the Province through regulation. *Change:* • Expands provincial authority to potentially limit all eligible DC capital costs, through regulation.	additional costs, which may impact taxpayers. *Timing:* • It is unclear whether the changes impact the City's next DC Background Study and by-law or will have a retroactive effect on capital costs included in the City's 2022 DC study and by-law.		The City requests further engagement with the province and the development industry to refine the proposal.
Pg 19 of Technical Briefing	**Prescribe Methodology for Calculating Benefit To Existing (BTE) Development** *Current:* • When municipalities establish their DC background studies, they calculate the expected benefit to existing (BTE) taxpayers in comparison to the benefit to new or future growth. • Municipalities are required to deduct the costs for the share of infrastructure that would benefit existing development from the total capital cost that is DC recoverable, to ensure that growth is only paying for growth. • There is no defined formula or definition to calculate BTE. *Change:* • Allow the Province to prescribe the approach for calculating the benefit to existing development.	*Key Considerations:* • Would shift BTE calculations from being led by municipalities, to a provincially mandated approach. *Financial Impacts:* • The prescriptive methodology may improve or reduce potential DC recovery. • Should the regulations be more restrictive, it is likely the City will have less ability to charge DCs, as project costs that can be associated with growth will be limited. • This would impact funding sources for major growth-related projects. *Timing:* • There is no clarity on timing of expected new regulations.	Neutral (More Information Needed)	*Comments:* Any further restrictions on costs that can be recovered by DCs will mean additional pressures borne by the City and existing taxpayers, impacting the principle that "growth pays for growth". *Recommendation Modification:* The Province is requested to ensure consultation is undertaken to achieve the objectives of improving transparency and consistency. They should also consider that municipalities may be unique from one community to another, with varying levels/rates of growth so some flexibility would be beneficial.

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**

Technical briefing Pg 20	**New Requirements for Annual Reporting and Standardization of DC Background Studies**
	
	Current:
	• Treasurers must prepare an annual statement accounting for all DC reserve fund activity, including opening and closing balances and in-year activity for each DC reserve fund.
	• Beginning in 2022, through Bill 23, municipalities were required to spend or allocate 60% of DCs beginning balance of the reserve fund for select services (water, wastewater and roads).
	• Additionally, regulatory changes now require the statement to outline where the municipality anticipates occurring capital costs for projects in the Background Study.
	
	Proposed Change:
	• Although not stated in Bill 17 or the RR, the technical briefing document suggests the province may:
	  ○ Require municipalities to spend or allocate at least 60% of all DC reserve funds annually.
	  ○ Consult on use of regulation-making authority for additional requirements to enhance transparency.
		Key Considerations:
		• The proposed Ministerial power to standardize DC background studies is a significant potential change, but as of now, no details or guidance have been provided. The change potentially allows the Province to mandate the calculations in a DC study.
		• The proposal indicates the Province would consult on additional requirements, however no details are provided.
		
		Financial Impacts:
		• The financial implications are unknown as details have not yet been released but changes to standardize DC Background Studies could be significant.
		• The City will need to ensure that each individual DC account is 60% spent or allocated annually.
		• Municipalities will need to prepare for possible impacts on how growth forecasts, growth-related project costs and service standards are defined and justified.
			Neutral (More Information Needed)	*Comments:*
				As of the end of 2024, the City of Toronto had a total of $2.8 billion across all DC reserve funds. The 10 Year Capital Plan includes $6.1 billion in required DC funding to deliver key growth-related capital projects. Therefore, the new requirement to spend or allocate at least 60% across all DC eligible services is not expected to be a challenge for the City of Toronto.
				
				Recommendation Modification:
				Consistent with previous comments on above proposals, it is requested that the Province create a collaborative best practice guide and consult with municipalities before defining regulations. Greater flexibility to spend DC revenue across all eligible DC services would also be helpful for municipalities in responding to any new spending requirements.

Bill 17: Commenting Chart				
Section of Schedule	**Description of Change**	**Preliminary Impact Assessment**	**Level of Support**	**Staff Comments and Recommendation Modifications**
	○ Explore amendments to standardize DC background studies and improve public accessibility.			
Pg 17 of Technical Brief	**Expanded Index Options** *Current:* • Only the Toronto and Ottawa-Gatineau Statistics Canada Non-Residential Building Construction Price Index (CPI) is available to use for the indexing adjustment of DCs. *Change:* • London is proposed to be added an additional option.	No impact to the City of Toronto.	Support	*Comments:* Staff support this change. Permitting London's index offers improved regional alignment.

TORONTO

City Planning

Jason Thorne, MCIP, RPP
Chief Planner and
Executive Director

City Hall
100 Queen Street West
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Tel: 416 392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

June 11, 2025

Ministry of Transportation
Transit Division
777 Bay Street, 30th Floor
Toronto, ON M5G 2E5

RE: Amending the Metrolinx Act, 2006 (25-MTO006)

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to the legislative changes to the *Metrolinx Act* by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). The City of Toronto greatly values the ongoing partnership and collaboration with the Province of Ontario, including Metrolinx and other Ministries and Agencies, in advancing shared goals around transit planning and implementation. It is noted that Bill 17 received Royal Assent on June 5, 2025, six days prior to the deadline for comments through the Ontario Regulatory Registry. These comments and recommendations are being submitted to ensure that the City's position regarding these changes is known and that future legislative changes to the *Metrolinx Act* can address our recommendations.

Below is a summary of the City's comments.

- The provision enabling the Minister of Transportation to mandate municipalities and their agencies to provide documents such as data, records, reports, surveys, plans, and contracts may be unnecessary, given the strong foundation of existing collaboration. Additionally, it could introduce potential risks regarding the interpretation and use of sensitive information.
- The City already collaborates with various Provincial Ministries and agencies (including Metrolinx) to share information like transportation modelling results, development applications statistics, and related datasets. Many of these exchanges exist through agreements like the Toronto-Ontario Cooperation and Consultation Agreement (T-OCCA) or are prescribed through existing regulations like the "Municipal Planning Data Reporting" regulation under the *Planning Act* (O.Reg. 73/23).
- This new provision may increase the risk of data and other information being misinterpreted and/or downstream commercial impacts to the City from the sharing of any contracts or agreements between the City or one of its agencies or corporations and a third party.
- It is recommended that any data or information that the Province requires be secured through data sharing agreements that allow for mutually beneficial data flows and establishes how confidential elements of contracts, records and data will remain confidential.

The enclosed attachment contains the City's full comments and recommendations on the changes to the *Metrolinx Act*.

We look forward to continuing our strong working relationship with the Province and supporting the success of Ontario's transit priorities through open, respectful, and coordinated efforts.

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact me directly or James Perttula, Director, Transportation Planning (416-392-4744).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
Schedule 5 – Metrolinx Act, 2006				
1 (1) + (2)	The definition of “agencies” is repealed and replaced with a new definition of “municipal agencies”. The new definition now includes local boards and corporations established through the Municipal Act. It also references definitions of “provincial transit project” and “transit oriented community project” as in the Building Transit Faster Act, 2020 and Transit-Oriented Communities Act, 2020	This is a minor revision that is more likely to impact municipalities outside of Toronto as subsections (2)(b)(d) already exist in the Act. The definitions for “provincial transit project” and “transit-oriented community” appear to only be included to enable the amendment by s. 2 to be implemented. It is unclear why the TTC is explicitly identified in the definition, when it is already understood through the City of Toronto Act that they are a municipal agency.	Support in Principle	No Recommendation
2	Enabling the Minister of MTO to require municipalities and their agencies to provide data, records, reports, surveys, plans contracts or any document that may be required to support the development of a provincial transit project or TOC.	The change to issue directives for a municipality or its agencies (e.g. City, TTC) would enable the Minister of Transportation and/or Metrolinx to acquire virtually any document from the City provided that the Minister’s opinion is that the document may be required to support a transit project or a TOC project. These directives have the potential to be far-reaching, when the legislation already provides such authority for specific purposes and transactions. There is risk of misinterpretation of materials developed by City staff and downstream commercial impacts to the City from the sharing of any contracts or agreements between the City or one of its agencies or corporations and a third party. This could include information shared or learned through pre-application meetings. This may also lead to a significant increase in the volume, scale and scope of requests to the City or its agencies and corporations. Without consideration of timelines for response, ‘urgent’ requests to collect data and documents could significantly impede the work of staff, and change does not preclude the need to undertake analysis or studies to prepare requested data.	Do Not Support	City Planning already frequently collaborates with Metrolinx and MMAH with information like transportation modelling results, development applications statistics, and related datasets. Many of these exchanges exist through agreements like T-OCCA or are prescribed through existing regulations like by O.Reg. 73/23 and O.Reg. 1/25. For other data or information requirements that the Minister requests, the City suggests that municipalities and the Province enter into data sharing agreements that enable mutually beneficial data flows rather than through ad hoc directives. This would have the added benefit of mitigating the risk of municipal data being misinterpreted. Further clarification is required to understand to what end confidential elements of contracts, records and data will remain confidential. It should be noted that the current sharing of information is often not reciprocal.
3	The definition of “agencies” is repealed; a new subsection reintroduces the existing definition to apply to four existing and unchanged subsections.	This is a housekeeping update that maintains the existing definition of agencies for the purposes of subsections 46-50.	Partially Support	No Recommendation

TORONTO

City Planning

Jason Thorne, MCIP, RPP
Chief Planner and
Executive Director

City Hall
100 Queen Street West
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Tel: 416 392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

June 11, 2025

Ministry of Infrastructure
777 Bay Street, 4th Floor
Toronto, ON M5G 2C8

RE: Protect Ontario by Building Faster and Smarter Act, 2025 amendments to the Ministry of Infrastructure Act, 2011 (25-MOI003)

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to the legislative changes to the *Ministry of Infrastructure Act* by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). The City of Toronto greatly values the ongoing partnership and collaboration with the Province of Ontario, including Metrolinx and other Ministries and Agencies, in advancing shared goals around transit planning and implementation. It is noted that Bill 17 received Royal Assent on June 5, 2025, six days prior to the deadline for comments through the Ontario Regulatory Registry. These comments and recommendations are being submitted to ensure that the City's position regarding these changes is known and that future legislative changes to the *Ministry of Infrastructure Act* can address our recommendations.

Below is a summary of the City's comments.

- The provision enabling the Minister of Infrastructure to mandate municipalities and their agencies to provide documents such as data, records, reports, surveys, plans, and contracts may be unnecessary, given the strong foundation of existing collaboration. Additionally, it could introduce potential risks regarding the interpretation and use of sensitive information.
- The City already collaborates with various Provincial Ministries and agencies (including Metrolinx) to share information like transportation modelling results, development applications statistics, and related datasets. Many of these exchanges exist through agreements like T-OCCA or are prescribed through existing regulations like the "Municipal Planning Data Reporting" regulation under the *Planning Act* (O.Reg. 73/23).
- This new provision may increase the risk of data and other information being misinterpreted and/or downstream commercial impacts to the City from the sharing of any contracts or agreements between the City or one of its agencies or corporations and a third party.
- It is recommended that any data or information that the Province requires be secured through data sharing agreements that allow for mutually beneficial data flows and establishes how confidential elements of contracts, records and data will remain confidential.

The enclosed attachment contains the City's full comments and recommendations on the changes to the *Ministry of Infrastructure Act*.

We look forward to continuing our strong working relationship with the Province and supporting the success of Ontario's transit priorities through open, respectful, and coordinated efforts.

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact me directly or James Perttula, Director, Transportation Planning (416-392-4744).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
Schedule 6 – Ministry of Infrastructure Act, 2011				
1	Repealing s. 7.1 that gave the Minister the authority to establish, acquire, manage, participate or deal with corporations or partnerships to support or develop transit-oriented community projects.	This authority is to remain with the Minister of Infrastructure via amendments to the Transit-Oriented Communities Act.	Partially Support	No Recommendation
2 (1)	Enabling the Minister to direct municipalities and their agencies (as defined in part (2)) to provide the Minister of Infrastructure or Ontario Infrastructure and Lands Corporation data, contracts, records, reports, surveys, plans and any other document that may support the development or implementation of a project.	The change to issue directives for a municipality or its agencies (e.g. City, TTC) would enable the Minister of Infrastructure and/or Ontario Infrastructure and Lands Corporation to acquire virtually any document from the City provided that the Minister's opinion is that the document may be required to support a project. These directives have the potential to be far-reaching, when the legislation already provides such authority for specific purposes and transactions. There is risk of misinterpretation of materials developed by City staff and downstream commercial impacts to the City from the sharing of any contracts or agreements between the City or one of its agencies or corporations and a third party. This could include information shared or learned through pre-application meetings. This may also lead to a significant increase in the volume, scale and scope of requests to the City or its agencies and corporations. Without consideration of timelines for response, 'urgent' requests to collect data and documents could significantly impede the work of staff, and change does not preclude the need to undertake analysis or studies to prepare requested data.	Do Not Support	City Planning already frequently collaborates with Metrolinx and MMAH with information like transportation modelling results, development applications statistics, and related datasets. Many of these exchanges exist through agreements like T-OCCA or are prescribed through existing regulations like by O.Reg. 73/23 and O.Reg. 1/25. For other data or information requirements that the Minister requests, the City suggests that municipalities and the Province enter into data sharing agreements that enable mutually beneficial data flows rather than through ad hoc directives. This would have the added benefit of mitigating the risk of municipal data being misinterpreted. Further clarification is required to understand to what end confidential elements of contracts, records and data will remain confidential. It should be noted that the current sharing of information is often not reciprocal.
2 (2)	This is the same language as is being introduced in the Metrolinx Act that defines municipal agencies as every local board and every corporation established via the Municipal Act or City of Toronto Act.	As of now, there will only be a single reference to municipal agencies in the Act that will apply to the transfer of data and records if requested by the Minister or Ontario Infrastructure and Lands Corporation (see above). This definition will be consistent with other legislation, though it includes several agencies like CreateTO, the TTC and TPA. It is unclear why the TTC is explicitly identified in the definition, when it is already understood through the City of Toronto Act that they are a municipal agency.	Partially Support	No Recommendations
3	Repeals a reference to section 7.1 (also repealed) in the Delegation to Crown agency section of the Act	Housekeeping update if s.7.1 is repealed.	Partially Support	No Recommendations
4	Revoking Ontario Regulation 378/24 that describes the agreements that the Minister may enter with regards to "transit-oriented communities".	This authority is to remain with the Minister of Infrastructure via amendments to the Transit-Oriented Communities Act.	Partially Support	No Recommendations

TORONTO

City Planning

Jason Thorne, MCIP, RPP
Chief Planner and
Executive Director

City Hall
100 Queen Street West
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Tel: 416 392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

June 11, 2025

Ministry of Infrastructure
Transit Oriented Communities Policy and Delivery Branch
777 Bay Street, 4th Floor
Toronto, ON M5G 2E5

RE: Bill 17- Protect Ontario by Building Faster and Smarter Act, 2025 - Accelerating Delivery of Transit-Oriented Communities (ERO 025-0504)

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations to the legislative changes to the *Transit-Oriented Communities Act* by the *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17). The City of Toronto greatly values the ongoing partnership and collaboration with the Province of Ontario, including Metrolinx and other Ministries and Agencies, in advancing shared goals around transit planning and implementation. It is noted that Bill 17 received Royal Assent on June 5, 2025, six days prior to the deadline for comments through the Environmental Registry of Ontario. These comments and recommendations are being submitted to ensure that the City's position regarding these changes is known and that future legislative changes to the *Transit-Oriented Communities Act* can address our recommendations.

Below is a summary of the City's comments.

- Amending the definition of "priority transit project" has the potential for the Transit-Oriented Communities program to be expanded to include any project that Metrolinx has the authority to carry out. This could apply to the entire GO Expansion program, and any future subway, BRT or LRT projects.
- Despite the amended definition of "transit-oriented community project" there continues to be ambiguity regarding its interpretation. Specifically, further clarification is needed regarding what a "development project" is and what the scope of "in connection with the construction or operation of a station" is.
- Amendments will help to provide clarity that the Minister or its delegates may be required to enter into an agreement with any landowner to support a transit-oriented community project, including that the Minister may confirm that an agreement between the landowner and a municipality is required. This may give municipalities a better opportunity to influence the outcome of these projects by helping to secure their interests.

The enclosed attachment contains the City's full comments and recommendations on the changes to the *Transit-Oriented Communities Act*.

We look forward to continuing our strong working relationship with the Province and supporting the success of Ontario's transit priorities through open, respectful, and coordinated efforts.

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact me directly or James Perttula, Director, Transportation Planning (416-392-4744).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
Schedule 8 – Transit-Oriented Communities Act, 2020				
1 (1)	Changes the Minister of Transportation to Minister of Infrastructure	No Comments	Support in Principle	No Recommendations
1 (2)	Addition of a new definition “Ministry” referring to the Ministry of Infrastructure	No Comments	Support in Principle	No Recommendations
1 (3)	Addition of reference to a provincial transit project defined in the Building Transit Faster Act, which identifies any transit project that Metrolinx carries out and any other provincial transit project described by regulations.	Generally, City policy directs and supports the integration of land use and transportation investment. However, there is significant potential for the Transit-Oriented Communities program to be expanded to include any project that Metrolinx has the authority to carry out. This could apply to the entire GO Expansion program, and any future subway, BRT or LRT projects. Since Metrolinx also provides regional bus service, a TOC site may also now apply to regional bus terminals (e.g., at a mall or a park-and-ride facility) where they may perform in a significantly different way than other forms of transit that benefits from higher density land uses. The expansion of the TOC program may have negative impacts to other City priorities like putting more employment lands at risk of conversion to non-employment uses. It is important that lands designated for employment uses are retained for their purposes. The expansion may also impact servicing assessments.	Do Not Support	No Recommendations
1 (4)	Amending the definition of “transit-oriented community project” by removing from the definition “and includes a development project located on transit corridor land within the meaning of the Building Transit Faster Act, 2020”. The amended definition would be “means a development project of any nature or kind and for any usage in connection with the construction or operation of a station that is part of a priority transit project”	s.2 of the Act continues to enable lands to be designated as transit-oriented community land if it supports a transit-oriented community project. However, further clarification is required about whether enabling infrastructure or other elements of or properties for a project (e.g., logistics hubs or entrance connections) may be considered as development projects in connection with the operation or construction of a station.	Do Not Support (More Information Needed)	Provide a more specific scope of what may be considered “in connection with the construction or operation of a station”. Confirm that “development” is referring to development in s.41 of the Planning Act and clarify definition of “development project.” Clarify if other transit project elements and infrastructure on surrounding or adjacent lands are part of “provincial transit project” definition.
1 (5)	A transition policy to maintain the existing definition for the current transit-oriented community projects	No impacts anticipated as this is a transition policy that maintains the definition of a transit-oriented community project for existing projects.	Support	No Recommendations
2 (1)	Amending the clause that enables the Minister to establish, acquire, manage or participate with entities in supporting or developing a transit-oriented community by removing the text “related to provincial transit projects prescribed by the regulations for the purposes of the definition of “priority transit project”	With amendments to the definition of “priority transit project”, the text included in the existing clause is redundant. Housekeeping change, but the city remains unsupportive of the definition of provincial transit project	Partially Support	No Recommendations
2 (2)	Includes a clause for clarification that a municipality may be a partner in a transit-oriented community. It also removes the requirement that the approval of the Lieutenant Governor in Council if a municipality or First Nation	The first amendment that clarifies that municipalities may enter into transit-oriented community agreements with the Province. There is potential for an entity like CreateTO to capitalize on this, though nothing in the current legislation precludes a municipality from doing that now.	Support	No Recommendations

Bill 17: Clause-By-Clause Review				
Section of Schedule	**Description of Change**	**Impact Assessment**	**Level of Support**	**Recommendation Modifications**
	is a participant in the transit-oriented community	The second amendment specifies that Lieutenant Governor in Council approval is not required for partnerships with a municipality or First Nation helps to streamline transit-oriented community projects.		
2 (3)	Extending the ability of the Minister to borrow or manage financial risks by to a delegated power including Metrolinx, Ontario Infrastructure and Lands Corporation, and a public body prescribed by the Lieutenant Governor in Council.	The addition of the Ontario Infrastructure and Lands Corporation or Metrolinx may not have impacts on the City.	Support in Principle	No Recommendations
2 (4)	Updates the investment policy clause to apply to the Minister or an entity to which it delegated powers to, including the Ontario Infrastructure and Lands Corporation, Metrolinx or a public body.	The additional delegates may not have impacts on the City.	Support in Principle	No Recommendations
2 (5)	Updates who the Minister may delegate powers to include Ontario Infrastructure and Lands Corporation	The addition of the Ontario Infrastructure and Lands Corporation may not have impacts on the City.	Support in Principle	No Recommendations
3	Addition of a new subsection that provides further clarity about administering transit-oriented community project agreements including that a municipality may be a party to an agreement, the Minister may confirm that an agreement is necessary, that agreements can be registered against the land to which it applies and that the Minister or municipality may be entitled to enforce the provisions of the agreement.	This new subsection provides clarity that the Minister or its delegates may be required to enter into an agreement with any land owner to support a transit-oriented community project. The Minister may confirm that an agreement between the land-owner a municipality is required. This may give municipalities a better opportunity to influence the outcome of these projects. Furthermore, the subsection enables the agreements to be registered against the land to which it applies, which should help provide clarity to the City when reviewing TOC applications. It also clarifies that the municipality in which the land subject to an agreement is located may be a party to the agreement. This can help the City secure its interests through the TOC agreement.	Support	No Recommendations
4	A new subsection is added that enables the Lieutenant Governor in Council may make regulations that specify when approval of the Lieutenant Governor in Council is not required.	No Comments	Support in Principle	No Recommendations

Jason Thorne, MCIP, RPP
Chief Planner & Executive Director
City Planning

Valesa Faria
Executive Director
Development Review

Tel: 416-392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

Tel: 416-392-0602
Valesa.Faria@toronto.ca

City Hall,
100 Queen Street West,
12th Floor, East Tower
Toronto, Ontario M5H 2N2

June 11, 2025

Ministry of Municipal Affairs and Housing
Provincial Planning Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3
PlanningConsultation@ontario.ca

RE: Proposed Regulations– Complete Application (ERO 025-0462)

On behalf of the City of Toronto, we are pleased to submit the City's comments and recommendations regarding the proposed regulation under the *Planning Act* and *City of Toronto Act* that would:

- Prescribe a list of subject matters for which studies cannot be required as part of a complete application;
- Identify the only studies that could be required as part of a complete application; and
- Specify certified professional from whom municipalities would be required to accept studies.

Key Comments

While the City supports streamlining and standardization of complete application requirements in principle, over-regulating these requirements at the provincial level, as proposed in Bill 17 and associated regulation, is likely to result in a one-size-fits-none approach, adding cost, time, and potentially undue municipal and public risk to the development application review process.

The City is committed to working with the Province towards achieving provincial objectives in a manner that mitigates unintended consequences. To this end, the City encourages the Province to undertake meaningful **in-depth technical consultation with municipalities** to better understand the wide range of municipal development contexts and application requirements municipalities rely on to address matters of health, safety, accessibility, and sustainability.

Prior to consultation, the City **does not support** prescribing which subject matters can and cannot be required as part of a complete application or which certified professionals from whom municipalities would be required to accept studies.

Prescribed Complete Application Requirements

Since 2021, the City has implemented a comprehensive work program to improve accountability, transparency and usability of application requirements and application support materials (e.g., Terms of Reference) to support predictable and consistent interpretation, use, and review of application requirements. For example, in the past four years the City has updated more than half of its Application Support Materials to provide clear guidance to applicants and support predictable and consistent review of application requirements. In recognition of these efforts, the City has been rated **"best in class"** for Application Support Materials in recent provincial and national municipal benchmarking reports.

The City **supports, in principle**, the standardization of application requirements and any application support materials (i.e., Terms of Reference) at the municipal level. However, attempting to standardize application requirements across all Ontario municipalities with distinct urban (and rural) environments is likely to result in both gaps in application requirements and unnecessary application requirements. Gaps in application requirements can add significant delay in processing development applications and increase municipal and public risk. When necessary information is missing, particularly as it relates to health and safety, staff may be unable to complete their review, exercise their delegated authority for approval, or provide expert advice to Council in support of an approval. In cases where a municipality is unable to require information and materials for specific topics, the municipality may need to pursue additional review/study, agreements, undertakings, actions, etc. These approaches will be more costly, time consuming and potentially litigious than the current approach of mitigating risk through review of complete application requirements.

Where an individual applicant has a concern with a complete application requirement, these tend to be resolved between the municipality and the applicant. The legislation continues to provide applicants a right to have the Ontario Land Tribunal determine whether any specific application requirement is reasonable for their application.

Prescribed Certified Professionals

Requiring municipalities to accept as "complete" information and materials prepared and certified by a prescribed professional regardless of municipal staff's assessment of whether it is, in fact, complete, will delay the review process until information that staff require for the purpose of review is provided. There may also be instances where different certified professionals for different studies make incompatible recommendations.

As municipalities will be unable to compel prescribed professionals to update information and materials or work with them to reconcile conflicting advice, this may lead to indefinite delay or additional internal due diligence (review or study) by municipalities, which is both costly and time consuming. Some application requirements include expert analysis by multiple professionals. To ensure appropriate prescribed professionals are preparing and certifying information and materials, the regulation should explicitly link specific qualifications to specific topic.

To address the impacts of Bill 109, the City implemented a two-step circulation process to ensure only complete applications are circulated, reducing time to decision for complete applications. Two-step circulation is essential to timeline management and Bill 17 will undermine the City's ability to implement this critical process.

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact Michelle Drylie, Director, Development Process & Technology, Development Review Division (416-392-3436) and Allyson Power, Director, Strategy & Client Relations, Development Review Division (416-392-3312).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning

Valesa Faria
Executive Director
Development Review

TORONTO

City Planning

Jason Thorne, MCIP, RPP
Chief Planner and
Executive Director

City Hall
100 Queen Street West
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Tel: 416 392-8772
Jason.Thorne@toronto.ca
www.toronto.ca/planning

June 11, 2025

Ministry of Municipal Affairs and Housing
Provincial Planning Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3
PlanningConsultation@ontario.ca

RE: Proposed Regulation– As-of-right Variations from Setback Requirements (ERO 025-0463)

On behalf of the City of Toronto, I am pleased to submit the City's comments and recommendations regarding the proposed regulation under the *Planning Act* that would allow variations to be permitted "as-of-right" if a proposal is within 10% of setback requirements applicable to specific lands.

The City of Toronto appreciates the intent of simplifying planning permissions and reducing the need and timelines for minor variances. The City efficiently processes minor variance applications, with applicants typically receiving a decision by the Committee of Adjustment within 6 weeks of submitting a complete application. This often represents a minor variance being heard at the first available Committee of Adjustment hearing after completion of statutory notice requirements and meeting schedule dates.

The City is concerned that the proposed approach will have unintended consequences making the application of zoning standards to development unnecessarily complex, less transparent and understandable to the public, with less predictable and less certain results. Moreover, the proposed approach may not achieve the Province's objective of providing minor variance relief as the relationship between setbacks and other zoning standards means that a proposed reduction in a setback could trigger other minor variances (i.e., maximum lot coverage, maximum floor space index, minimum soft landscaping, etc.) that would require approval from the Committee of Adjustment.

The *Planning Act* and other existing legislation provide tools that could better support these objectives to improve or simplify the minor variance process, than introducing a new statutory power and regulation granting arbitrary relief from certain zoning standards in certain areas.

Complicating What a Minor Variance Is

The statutory approach and the "as-of-right" 10% reduction are inconsistent with the *Planning Act*'s test for a minor variance.

The *Planning Act* does not define "minor"; however, there is extensive case law on the topic, establishing that what is minor depends on the facts, circumstances, and context of the specific application. The nature of such applications is that they need to be considered in their context, including understanding the intent behind the specific standard being varied, and each requires an assessment of the significance of the variance(s) to the surrounding circumstances and in terms of the existing zoning by-law. The *Planning Act*'s test for minor is not intended as simply a numerical assessment; it is an assessment of the impact of a proposal. If the impacts associated with the requested variances are minor in nature from both a quantitative and qualitative perspective, and will not result in any undue adverse impacts, the Committee of Adjustment may find that the variance(s) is minor.

Given the lack of contextuality, any threshold numbers set out in this regulation will be inherently arbitrary, as setbacks can be required for a wide variety of purposes and a percentage variance to a setback (whether 10% or any number) may be of little concern on one property but highly impactful on a different property.

The Importance of Setbacks

Required building setbacks in zoning by-laws are generally formulated by considering multiple factors that can relate to both zoning and non-zoning standards. While setbacks are expressed as distances from parcel boundaries, they can be contextual to a specific property, especially when they are the outcome of a site-specific rezoning approval.

Examples of contextual factors include separation distances from:

- Overhead power lines
- Separations from industrial or transportation facilities for land use compatibility, noise/vibration and maintenance reasons (e.g. below-grade setback distances from TTC and Metrolinx infrastructure)
- Ravines and other potentially unstable slopes
- Natural heritage features

Some setbacks support specific objectives, which may or may not be addressed in other zoning provisions, such as:

- Protecting paths of travel through a side yard for Fire & EMS emergency access to garden suites
- Providing adequate driveway widths or maneuvering space for safe vehicle movement within a property
- Ensuring vehicles in parking spaces do not encroach beyond property boundaries

- Providing adequate space on-site to ensure doors do not encroach into rights-of-way or lanes
- Protecting for landscaped areas, site permeability and tree protection

The proposed 10% as-of-right setback reduction would not take these and other factors/objectives into consideration. As a result, it may provide a false sense of security for development proponents who design to the varied zoning setbacks but then face future compliance and operational challenges. Under the current minor variance process, these factors are considered through commenting partners involved during the review of a minor variance application.

Challenges in Applying the As-of-right Setback Variance

The proposed changes would complicate adjudication of the four tests in situations where applications vary beyond the regulated percentage, by creating two different baselines against which to assess variances.

Under the proposed regulation, a project that requires only a setback reduction would be subject to a single test—is the proposed setback within 10% of that required by the zoning by-law—while an otherwise similar project with multiple variances or in another area heard by the Committee of Adjustment would need to demonstrate that it satisfies the four tests.

A project that requires minor variances for both a reduction in front yard setback and an associated reduction in parking space length, for example, would require the Committee of Adjustment to apply different considerations, despite the overlapping nature of the requested variances, creating uncertainty. Due to the location of the setback reduction provision in s34 of the *Planning Act*, it is also unclear whether the resulting “minimum setback distance” should be considered as having varied the required setback distance or as having established a new setback distance from which other minor variances should be measured.

The prescribed areas in the regulations under s41(1.2) of the *Planning Act* (Site Plan Control) provide that the as-of-right setback reduction would not apply within areas that are within 300 metres of certain railway lines, or 120 metres of certain natural heritage and hydrological features. These features can be irregular in shape and do not have a clear relationship to the setbacks that would benefit from the as-of-right reduction. For example, one residential property could qualify for an as-of-right front yard setback reduction from 6 metres to 5.4 metres, while its abutting neighbour requires a Committee of Adjustment variance for a lesser front yard setback reduction, due to the curves of a rail line located several blocks to their rear. In assessing the latter application, the Committee might come to a different conclusion based on the four tests than what had been permitted as-of-right on the adjacent property.

Subjecting similar applications to different processes and criteria would result in a development review process that is less predictable, transparent and understandable to the public.

Applicability

It is unclear whether the proposed as-of-right setback reductions are intended to apply only to projects with a residential component, or also to non-residential buildings and uses in areas where residential uses are permitted. References to Ontario Regulation 299/19: Additional Residential Units in ERO Posting 025-0463 imply that the variances may be intended to apply only to low-rise residential buildings.

Excluded Areas

Subsection 34 (1.5) is unclear about the areas excluded from this regulation. The title of s34(1.5) "Same, Greenbelt" implies that exclusions apply only to the Greenbelt Area, but (b) and (c) appear to list other non-Greenbelt excluded lands.

Provision (c) sets out prescribed areas indirectly, by reference to s41(1.2) of *Planning Act* (Site Plan Control), which could be read as excluding properties with fewer than 10 residential units but which we assume to mean the prescribed areas in O. Reg. 254/23
without such limitation.

If taking this approach, we suggest including the corresponding reference to Site Plan Control authority in s114(1.2) of the City of Toronto Act and O. Reg. 255/23. We would further suggest that as s34(1.4) operates through a regulation setting out the prescribed percentage for reduction, the prescribed areas could also be directly identified in this new regulation, rather than through reference to the Site Plan Control sections of the Acts

Transition

The intent of the subsection 34 (1.6) transition provisions is unclear. As written, it appears to exclude all lawfully existing buildings and structures from the as-of-right setback reductions, and to set the minimum setbacks for all buildings as those applicable on the date of the first building permit issued for the project.

This would not facilitate a reduced need for minor variances, as small-scale additions to existing buildings for additional residential units would appear to be excluded. This approach also creates uncertainty about the applicable minimum setback distance for a building, in situations where zoning by-law standards for an area are later amended to be more permissive.

Recommendation

The *Planning Act* and other existing legislation provide tools that could be used to improve or simplify the minor variance process that address many of the concerns above. Alternative approaches that could be explored include:

- The Minister could utilize their powers under s45(1.0.1) to prescribe criteria for Committees of Adjustment to consider in evaluating minor variances, or could exercise their powers under s70.1(1) to prescribe rules of procedure for Committees of Adjustment.

- The Minister could introduce regulations under s34(16) to prescribe criteria for Zoning with Conditions, that would provide municipalities and development proponents flexibility in the erection or location of buildings and structures.

- The Province could also empower municipalities to delegate to staff decisions on certain categories of minor variances, for example variances identified during Site Plan Control approval process, rather than requiring a Committee of Adjustment hearing. Such an approach would be consistent with delegated approvals for:

    - Minor Zoning By-laws [Delegation of Minor By-laws (s39.2)]

    - Variations from development standards in a community planning permit by-law [Community Planning Permit Systems (s70.2 & O. Reg. 173/16)]

Such approaches would avoid the uncertainty and inequities raised by the proposed as-of-right setback variation approach, while streamlining processes and reducing the need for minor variances in a broader range of situations.

Contact

Should you have any questions regarding the City's submission or would like to arrange a meeting with City staff, please contact me directly or Kyle Knoeck, Director, Zoning & Secretary- Treasurer Committee of Adjustment (416-392-0871).

Sincerely,

Original signed by:

Jason Thorne, MCIP, RPP
Chief Planner and Executive Director
City Planning