



June 16, 2025

Mayor Olivia Chow and Members of the Executive Committee
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Via e-mail: exc@toronto.ca

Re: EX24.2 - Assessment of City Impacts from Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025 and Provincial Budget

Dear Mayor Chow and Members of the Executive Committee:

We welcome this opportunity to provide comments with respect to the above noted Executive Committee agenda item. The Residential Construction Council of Ontario (RESCON) is Ontario's leading association of residential builders who build the vast majority of homes across the province, including within the City of Toronto.

A comprehensive review of the City's Staff Report associated with this agenda item demonstrates that the positions and recommendations put forward by staff do not conform with the direction of the Province in Bill 17, *Protect Ontario by Building Faster and Smarter Act* and the clear direction from the Province to all municipalities, including the City of Toronto. Rather, the report proposes recommendations that will have City Council essentially seek to reverse or ignore virtually every provision of Bill 17, despite the fact that the legislation was just approved by the Ontario Legislature and it has already received Royal Assent.

Bill 17 is now the law of Ontario, and the Staff Report's proposed recommendations do not reflect the unambiguous intention of the legislation.

It should be remembered that the objective of Bill 17 is to implement measures that will remove existing barriers to housing and initiate the beginning of a recovery of the residential construction sector across Ontario which is now in the midst of a generational major correction, including within the City of Toronto. Through a myriad of bureaucratic regulations, incomprehensible red tape and taxes, fees and levies that create a reality where building homes that are affordable for homebuyers is virtually impossible, the City of Toronto continues to do a disservice to those seeking housing in the municipality. This is especially true for first-time homebuyers and young residents of the City, who simply cannot afford a new home.

Consider that taxes, fees and levies (all levels of government including the City of Toronto) now constitute 36% of the cost of a new home in the City. This is simply unacceptable and extremely unfair to the most vulnerable group within the housing market, the first-time homebuyer.

The Staff Report also purports to address the change to subsection 35(1.1) of the Ontario *Building Code Act*, from section 4 of schedule 1 of Bill 17, which provides greater certainty that “sections 7 and 8 of the *City of Toronto Act, 2006* do not authorize a municipality to pass by-laws respecting the construction or demolition of buildings.” We would also note that the Staff Report makes reference to the City’s municipal green standards regimen in relation to this change. With respect to Toronto Green Standards regulations, the Staff Report notes:

“Recent media reports have suggested that Bill 17 has impacted or restricted a municipalities (*sic*) ability to apply the TGS. City staff have reviewed Bill 17 and determined that there is no impact to the City’s ability to continue to apply the TGS to new development.”

It is important to point out that the Staff Report’s assertion that only “recent media reports” have concluded that the municipality does not have this statutory authority does not accurately identify that the Province has provided a clear explanation of both the intention and effect of this central and important change to the *Building Code Act* in Bill 17 that confirms municipalities do not have the authority to pass by-laws respecting the construction or demolition of buildings. Further, staff’s misinterpretation of the scope of these changes to the *Building Code Act* is clear when they state that “[t]he Province has not provided explanation for the inclusion of this additional clause”. Contrary to staff’s assertion, the Province and the Minister of Municipal Affairs and Housing have given clear direction on the meaning and impact of this change.

The Ontario Government’s intent with respect to Bill 17 and the issue of municipal green standards, including Toronto Green Standards, have been made absolutely clear in comments by the Ontario Minister of Municipal Affairs and Housing, the Honourable Rob Flack, in the Legislature as the legislation was debated.

Minister Flack noted the specific intention of the change to the Ontario Building Code and its application to restrict municipal green standards during legislative debates on Bill 17 on June 4th that:

“As for the building code in this province, Speaker, the code is king. We can’t have hundreds of iterations throughout this province, to get shovels in the ground faster. It’s bureaucratic, it’s red tape; it isn’t working. That is why we made changed to Bill 17. And she knows all too well—through you, Speaker—that the green standards act is part of the slowness of getting houses built. What we’re going to do—why we’re going to do it—is to make consistency work. The code is king in Windsor and Wawa, from Pembroke to Pickering—

Speaker, as we know, in this province we need shovels in the ground faster and smarter. It takes too long and it costs too much to build housing in this province. The key here is we are ultimately going to have to nationalize our building code so we can create free trade right across this province—exactly what this Premier is doing, day in and day out, fighting for Ontarians, fighting for Canada. That is why we brought Bill 17 forward; that is why we are

going to have one code in this province, not hundreds of iterations. At the very end of the day, Bill 17 is going to work—the member opposite knows it. We’re going to get more homes built faster.” (*underlining added*)

(*Hansard, Legislative Assembly of Ontario – June 4th, 2025*)

Let us be clear, there is no ambiguity in terms of what the Ontario Government is asserting in Bill 17 with respect to municipal green standards, including Toronto Green Standards, and the City’s Staff Report that attempts to assert that, “City staff have reviewed Bill 17 and determined that there is no impact to the City’s ability to continue to apply the TGS to new development” represents a misinterpretation that is not supported in any way by Provincial legislation.

To ignore this clear change to the City’s authority regarding the Toronto Green Standards amounts to an attempt to ignore the law of Ontario, and undermines the Province’s intentions to clarify and restrict the appropriate source of building standards, including green standards, to the Ontario Building Code itself.

In the interests of further clarity, we would direct City Staff who prepared the Staff Report to the Ministry of Municipal Affairs and Housing Technical Briefing on Bill 17 which unambiguously states:

“Clarity that municipalities do not have the authority to require their own unique standards beyond the Building Code, helping to provide consistency, reduce costs, and increase uniformity of technical standards for builders. These changes would help standardize construction requirements, resulting in faster approvals and reduced costs to help build more homes faster. It also prevents developers from having to re-design their products and designs from one jurisdiction to another saving money and time.”

(*Ministry of Municipal Affairs and Housing – Bill 17 Technical Briefing – Page 9*)

The conclusions and recommendations in the Staff Report, if adopted by City Council, would represent an inaccurate interpretation of the clear and unambiguous intention of this provincial statute. As you will know, municipalities are creations of provincial government constitutionally.

By way of this correspondence, we implore you as members of the Executive Committee to decline to approve any recommendations that are demonstrably inconsistent with what is the law of the Province of Ontario. No municipality has the right to choose not to implement legislation irrespective of how unappealing it may appear to them, including regarding the change to Section 35(1.1) of the *Building Code Act* discussed above which came into force on June 5th, 2025.

Again, we respectfully request that the Executive Committee, and City Council and Toronto city staff abide by the law as it is across Ontario including applicability for your municipality.

The Minister of Municipal Affairs and Housing has been clear and the Bill 17 Technical Briefing is clear. The City of Toronto should be working to implement Bill 17 rather than adopting a position that is neither supported by law nor acceptable in terms of responsible behaviour by a municipal council.

Finally, it is also important to remember that we have a situation where middle class housing supply is dropping, social housing wait lists are growing exponentially and the housing crisis continues to grow.

Yours truly,

A handwritten signature in black ink, appearing to read 'ML' or 'MLL', with a stylized flourish at the end.

Richard Lyall
President
RESCON

CC. Members of the City of Toronto Executive Committee