

Hon. Rob Flack, Minister of Municipal Affairs and Housing

Minister of Municipal Affairs and Housing

17th Floor, 777 Bay Street

Toronto, Ontario

M7A 2J3

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

May 26th, 2025

Dear Minister Flack,

We are writing to you on Bill 17, the *Protect Ontario by Building Faster and Smarter Act, 2025*. The Atmospheric Fund (TAF) is a non-profit agency that collaborates with public and private stakeholders to advance urban climate solutions. We recognize the importance of accelerating affordable housing in Ontario and appreciate aspects of the Bill that will increase housing intensification and streamline development approaches.

We are concerned, however, about the Act's impacts on municipal urban planning responsibilities including implementing green development standards. Some clauses in the legislation are too broad, potentially leading to unintended consequences. They narrow local planning authorities to such an extent that they could prevent municipalities from addressing critical aspects of urban design, such as flood protection, air quality, and climate change.

Confusion over language in the Bill may also have unintended consequences such as lengthy development delays due to legal disputes and added health and safety risks. We have made recommendations to improve clarity, address conflicts of interest, and ensure municipalities retain important oversight over construction in their communities.

We have a mutual interest in streamlining processes and reducing redundancy to speed up housing development and we support many of the 74 actions to accelerate housing laid out in your government's Affordable Housing Task Force report. However, none of these expert recommendations involve removing municipal green development standards. Current and potentially future green development standards are explicitly designed not to duplicate or conflict with the Ontario Building Code, and we have seen no evidence that they delay housing development. They are non-prescriptive and can be implemented at an incremental cost. They increase long-term affordability for homeowners and reduce the cost of central municipal infrastructure.

We hope to work together to help maintain reasonable municipal oversight over urban planning while speeding up housing in this province.

TAF's comments are divided into two parts; the first includes welcomed provisions, followed by our concerns and recommended changes.

Welcomed Provisions

TAF supports the government in addressing longstanding red tape related to Building Materials and Minor Variances. We specifically support:

- **Proposed Amendment to the *Building Code Act, 1992* – Addition of subsection 28(6):**
We support the addition of subsection 28(6), which introduces appropriate constraints on the authority of the Building Materials Evaluation Commission in cases where the Canadian Construction Materials Centre is already involved in evaluating a material, system, or building design. This amendment enhances coordination between provincial and federal oversight processes, reduces duplication of effort, and supports a more streamlined regulatory process. By removing redundancies, it enables the more timely adoption of innovative construction materials and practices in Ontario.
- **Proposed Amendment to the *Planning Act* – Addition of subsections 31(1.4) to (1.7):**
We welcome amendments that grant the Minister (of Municipal Affairs and Housing) regulation-making authority to allow "as-of-right" minor variances to zoning setback requirements. This will reduce administrative burdens and accelerate responsible development in urban areas. By enabling minor, low-impact variances without formal applications, this promotes more efficient land use and supports Ontario's growth objectives.

Recommended Changes

Our recommended changes below are meant to provide clarity on overly broad amendments in Bill 17 that could introduce confusion as written.

Recommendation 1 – Amend Schedule 1 changes to the *Building Code Act, 1992*

Existing wording in the tabled legislation:

- *Building Code Act, 1992* Changes
 - (1.1) For greater certainty, sections 9, 10 and 11 of the *Municipal Act, 2001* and sections 7 and 8 of the *City of Toronto Act, 2006* do not authorize a municipality to pass bylaws respecting the construction or demolition of buildings.

TAF Proposed Amendment:

- *Building Code Act, 1992 Changes*
 - (1.1) For greater certainty, sections 9, 10 and 11 of the *Municipal Act, 2001* and sections 7 and 8 of the *City of Toronto Act, 2006* do not authorize a municipality to pass bylaws respecting the construction or demolition of buildings **that conflict with the building code.**

Reasoning:

The proposed amendments are too sweeping for their intended purposes. By imposing a general restriction on municipalities from enacting bylaws related to building construction or demolition, without providing clear legislative limitations or guidance, the Bill effectively prevents local governments from exercising their authority to regulate construction within their jurisdictions. The proposed amendments raise questions about whether municipalities will retain the authority to pass bylaws with respect to building permits, site inspections, stop work and compliance orders, zoning, and land use. It is also unclear how existing bylaws will be affected.

Curtailing municipalities' ability to provide basic oversight over construction will allow chaotic and contentious neighbourhood situations, such as loud heavy construction overnight, no limit to where construction trucks can park, homes built next to industrial plants with pollution beyond regulated limits, multi-plexes or building types erected where communities have overruled them, or tall buildings in the flight paths of hospital air ambulances.

Municipalities should have authority to implement green development standards because they are complementary and do not conflict or overlap with the Ontario Building Code. Green development standards are implemented concurrently with other reviews and approvals, and we've seen no evidence that they delay development. On the upside, new housing built to municipal green standards qualifies for financial incentives including the CMHC Eco Plus mortgage insurance rebate, and Toronto's Development Charge Refund Program, which has delivered almost \$120 million in refunds back to developers for efficiency gains.

Recommendation 2 – Amend Schedule 7 changes to new subsection 17(21.1) of the *Planning Act*

Proposed Amendment:

- (21.1) The council of a municipality or a planning board, as the case may be, shall obtain written approval from the Minister before adopting an amendment to an official plan that adds, amends or revokes any of the provisions described in subsection 22 (5), 34 (10.2), 41 (3.4), 51 (18) or 53 (3) of this Act or subsection 114 (4.3) of the *City of Toronto Act, 2006*.

TAF Proposed Addition:

- (21.1.1) Despite subsection (21.1), a municipality or planning board may adopt an amendment to an official plan that enables the requirements for information or materials necessary to assess a

proposed development in relation to matters of health, safety, accessibility, and sustainable design or the protection of adjoining lands.

Reasoning:

The proposed changes to ministerial powers could dramatically change requirements for municipalities and developers with no consultation. Our proposed addition draws on the Provincial Planning Statement, mirroring language already in the Site Planning Control section of the *Planning Act* and is meant to add predictability and fairness. These powers should be defined in legislation, not regulation, to prevent shifts based on the changing views and influences of a given minister. Without such clarification, a given minister could override all matters related to official plans, which undermines the predictability developers need to plan their multi-year projects. Conversely, municipal green development standards go through robust planning and consultation and often see at least five years between updates in plans that span multiple decades in implementation.

Recommendation 3 – Remove sections that could result in conflicts of interest between professionals and developers and compromise the health and safety of projects.

TAF Proposed Removal:

- Subsection 114(4.4.1) and subsection 114(23) clauses (0.a) and (0.a.1) of the *City of Toronto Act, 2006*
- Subsections 22(6.0.1), 34(10.3.1), 41(3.5.1), 51(19.0.1), 53(4.0.1), and 70.1(1) paragraph 20.1 of the *Planning Act*

Reasoning:

TAF recommends withdrawing all proposed additions in Schedule 3 and Schedule 7 that require municipalities to accept submissions solely because they are prepared by prescribed professionals. This undermines municipal oversight and risks approval of non-compliant projects.

Further, the list of prescribed professions is not defined in the Bill, and the proposed amendment at subsection 114(23) clause (0.a.1) of the *City of Toronto Act, 2006*, and subsection 70.1 (1) paragraph 20.1 of the *Planning Act* suggests that the list will be prescribed in a future regulation, which is currently subject to public consultation under [ERO 025-0462](#). Drafting the legislation and regulation concurrently undermines transparency.

The proposed legislation effectively transfers planning approval authority from municipal staff to professionals hired by developers, raising concerns about impartiality. This creates a conflict of interest for professional associations and their members—such as engineers—who may be pressured to approve documents despite lacking the necessary qualifications, simply to meet regulatory requirements. They are contractually obliged to prepare the required documentation on behalf of their clients, and their

submissions are automatically approved - even when the documentation shows that the criteria have not been met.

This approach also overlooks the distinct planning needs of urban, suburban, and rural contexts. Rather than reducing conflict, these provisions risk increasing the number of disputes at the already overloaded Ontario Land Tribunal. If a submission from a prescribed professional is unclear or fails to address a planning concern, municipalities may be forced to rely on legal challenges, creating new uncertainty and delays.

This approach not only jeopardizes health and safety at the municipal level but also threatens the integrity of professional associations and the overall quality of development in Ontario. The development approval process must require a third party with no pecuniary interest in the outcome (e.g. municipal staff) to review compliance with applicable requirements. If the government intends to proceed in this direction, it should collaborate with professional associations and municipalities to draft clear, specific legislation that avoids conflicts of interest.

Include transparency and efficiency in Bill 17

The amendments proposed will provide municipalities with a targeted and scoped role to play in development that focuses on health, safety, and long-term affordability for Ontarians while reducing red tape and increasing efficiency. We would note that Premier Ford supported and [voted in favour](#) of the Toronto Green Standard when he was a city councillor and that green development standards are broadly supported by key industry stakeholders including [constructors](#), [developers](#), [architects](#), and [utilities](#).

Minister Flack, we urge you to refine the legislation to ensure that all stakeholders, including municipalities, can do their part to ensure streamlined approval and construction of efficient, resilient and affordable buildings for Ontarians.

Sincerely,
Bryan Purcell



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About the Atmospheric Fund

The Atmospheric Fund (TAF) is a regional climate agency that invests in low-carbon solutions for the Greater Toronto and Hamilton Area (GTHA) and helps scale them up for broad implementation. Please note that the views expressed in this submission do not necessarily represent those of the City of Toronto or other GTHA stakeholders. We are experienced leaders and collaborate with stakeholders in the private, public and non-profit sectors who have ideas and opportunities for reducing carbon emissions. Supported by endowment funds, we advance the most promising concepts by investing, providing grants, influencing policies and running programs. We're particularly interested in ideas that offer benefits in addition to carbon reduction such as improving people's health, creating local jobs, boosting urban resiliency, and contributing to a fair society.