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# Haldimand County

## Report CDS-07-2025 Response to Protect Ontario by Building Faster and Smarter Act, 2025

For Consideration by Council on May 26, 2025

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### Objective:

To provide an overview of the implications of the Protect Ontario by Building Faster and Smarter Act, 2025 and obtain Council authorization to submit comments in response.

### Recommendations:

1. THAT Report CDS-07-2025 Response to Protect Ontario by Building Faster and Smarter Act, 2025 be received;
2. AND THAT the staff comments expressed in CDS-07-2025 be submitted to the Province via the various ERO postings.

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### Executive Summary:

On May 12, 2025, the Ministry of Municipal Affairs and Housing (the MMAH) announced the Protect Ontario by Building Faster and Smarter Act, 2025 (the Act), also referred to as Bill 17. The Act is described as a Provincial response to requests from municipal leaders to make it easier and faster to build new homes and infrastructure that Ontario needs like transit, roads, water and wastewater systems. The bill consists of action from the Ministry of Municipal Affairs and Housing, the Ministry of Infrastructure and the Ministry of Transportation. Comments on the proposed actions are to be submitted through various Environmental Registry of Ontario (ERO) postings by June 11<sup>th</sup>. Staff have developed comments relative to a number of actions that would have implications for Haldimand and are recommending these be submitted through the respective ERO postings.

### Background:

On May 12, 2025, the Ministry of Municipal Affairs and Housing (the MMAH) announced the Protect Ontario by Building Faster and Smarter Act, 2025 (the Act), also known as Bill 17 (Bill). Minister Rob Flack, the Minister of Municipal Affairs and Housing, stated that the Act will “protect Ontario in the face of economic uncertainty by speeding up construction so we can lower housing costs and keep workers on the job.” Minister Flack also stated that the Act was developed in close partnership with Ontario’s municipalities and is responsive to recommendations and requests from municipal leaders. As of the writing of this report, the bill is in its second reading.

While there are details yet to be developed and/or provided, what is clear to staff is that speeding up development approvals is at the heart of this latest legislative push. In this case, the provincial government is aiming to expedite infrastructure preparation and land use approvals to facilitate new housing developments of varying sizes and densities. Council has heard much about this recurring theme from staff over the last several years and this latest set of legislative changes serves to further crystalize the Province’s key priority of (more/more affordable) housing development as well as its expectations of municipalities in this sphere.

The MMAH has summarized the proposed changes and has also released a Technical Briefing which provides an overview of the Act. According to the MMAH, the Act will:

- Simplify, streamline and bring consistency and transparency to development applications, land use planning approvals and the contents of municipal official plans;
- Simplify and standardize the development charges regime, including by allowing developers to defer the payment of development charges for residential development until building occupancy;
- Streamline the planning and delivery of transit-oriented communities, speed up the construction of major transit projects and provide the authority to issue Minister’s Zoning Orders in Transit Oriented Communities to the Minister of Infrastructure; and
- Establish consistent building construction standards across Ontario, including with respect to road building standards.

The MMAH is now seeking comments on the various proposals which have been posted to the ERO (see Attachment 1). While the quantum of proposed actions is large, staff have focused their analysis on those changes that would have the most significant impact on Haldimand, namely those under the Building Code Act, the Development Charges Act and the Planning Act. While it is important to engage in such consultation and to provide our municipal perspective, and while changes after first reading are always possible, many experts anticipate that key measures within the Bill will remain.

## Analysis:

The Building Faster and Smarter Act, 2025 (the Act) proposes changes in a number of areas which are summarized below in relation to the area of impact and the staff response thereto.

### Building Code Act – Ministry of Municipal Affairs and Housing

Area of impact	Staff comments in response
<p><b>Ensuring Municipalities Abide by Building Code Act (BCA):</b> At present, section 35 of the BCA sets out a “paramountcy” provision. It provides that the statute and the Building Code supersede all municipal by-laws respecting the construction or demolition of buildings, consistent with the intention that the BCA and Building Code establish a uniform provincial regime for the regulation of construction.</p> <p>Bill 17 seeks to take this proposition a step further by clarifying that the broad authority and spheres of jurisdiction of municipalities do not authorize municipalities to pass by-laws respecting the construction or demolition of</p>	<p>As noted, the BCA already requires that municipalities adhere to provincial standards outlined in the Code, and limits the passage of by-laws respecting the construction of buildings. Haldimand’s Building &amp; Municipal Enforcement Services Division has never veered from these directives and has not enacted any unique standards or requirements. This is a non-issue for us but the changes proposed are supported in that they will provide clarity, ensure consistency and increase uniformity of standards for builders.</p>

<p>buildings. The effect of this amendment, if adopted, is that municipalities will no longer be able to rely on their general powers to regulate in respect of construction or demolition to create local requirements that differ from the BCA or the Building Code.</p>	
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**Development Charges Act – Ministry of Municipal Affairs and Housing**

Area of impact	Staff comments in response
<p><b>Exemptions for long-term care homes:</b> Currently, Development Charges (DC) are subject to annual instalments under S 26.1 of the Development Charges Act (DCA). Under Bill17, long-term care homes would be exempt.</p>	<p>As the DCA does not allow for exemptions under the Act to be funded from other types of development, the costs associated with these exemptions would have to be funded from other municipal revenue sources.</p>
<p><b>Simplified DC by-law process to reduce charges:</b> Proposed changes under Bill 17 would simplify the process to amend Council approved DC by-laws for the following reasons:</p> <ul style="list-style-type: none"> <li>- Repeal or change DC by-law expiry date;</li> <li>- Repeal DC by-law provisions for indexing;</li> <li>- Decrease the amount of DC for one or more types of development.</li> </ul>	<p>While administratively expedient, eliminating the statutory public process will not provide the general public with the opportunity to provide feedback to Council which reduces the transparency related to amendments to the DC by-law.</p>
<p><b>Deferral of DC payment to occupancy for all residential development:</b> Currently, for residential development (other than rental housing), DCs are payable the day the building permit is issued. Proposed changes would allow all DCs to be payable at the earlier of the issuance of an occupancy permit or the day the building is first occupied. Municipalities will not be allowed to impose interest on these deferrals.</p>	<p>Of all the proposed DC amendments, this one is likely the most challenging for municipalities. This will likely give rise to numerous administrative, collection and loss revenue issues. Municipalities will need to track “occupancy” for every unit and then follow-up with appropriate collection of DCs payable. Determining actual “occupancy” will likely be challenging. Collection efforts will be complicated by changes in ownership and rental arrangements. Unless securities are required for every deferred payment, it is likely there will be uncollectable DC payments. With apparently no limits on the timeframe for deferrals, this could lead to significant cashflow shortfalls for municipalities, requiring use of debt capacity to offset these shortfalls.</p>

<p><b>Removal of interest for legislative instalments:</b> Proposed changes to the Act would remove the ability to charge interest on instalments for rental and institutional development.</p>	<p>Although the County does not currently have a large number of these types of developments, this again would impact cashflows and result in loss revenues.</p>
<p><b>Ability for residential and institutional developments to pay DCs earlier than the by-law requires:</b> Currently the Act requires DCs to be payable upon the issuance of a building permit, in the absence of an agreement with the municipality under S. 27.</p> <p>The proposed amendments, would essentially allow these types of development, without municipal consent, to pay charges early to avoid potential indexing increases or increases due to a new by-law.</p>	<p>This would lead to reduced DC revenue and could lead to higher DC charges in the future.</p>
<p><b>Lower charge for rate freeze:</b> Currently, development proceeding through a site plan or zoning by-law amendment, can pay DCs at the rate at the time of the application vs. the building permit.</p> <p>The proposed amendments, would require municipalities to charge the lower of the rate at the time of the application or budling permit issuance.</p>	<p>Again, this would lead to reduced DC revenue and could lead to higher DC charges in the future.</p>
<p><b>Grouping of services for the purposes of using credits:</b> Currently, when utilizing the front-ending provisions of the Act, whereby the developer builds and pays for the growth related infrastructure, the credits they receive can only be utilized against the DC eligible service(s) they supplied.</p> <p>The proposed amendments would allow the developer to apply the credits to other DC eligible services, not related to the growth related infrastructure they supplied. The Province through regulation, can deem two or more services to be “one” service for applying credits.</p>	<p>This could lead to cashflow issues for municipalities and lead to repayment of these credits sooner than anticipated.</p> <p>More specifically, this could lead to deficits in unrelated DC reserve funds that could lead to delays in the timing of growth related capital projects and/or increased financing costs.</p>

<p><b>Defining local services (subject to regulation):</b> Municipalities typically establish a “Local Service Policy” which defines which growth related costs are the responsibility of the local developer vs. eligible for DC charges across the municipality.</p> <p>The proposed amendments allow the Province to make regulations to determine what constitutes a “Local Service”.</p>	<p>Depending on the scope of “local services” defined by the Province, this could have significant unintended consequences.</p> <p>If the scope is too low, the DCs will be much higher and further impact developers ability to build more units as requested.</p> <p>If the scope is too broad, it may impact the ability of local developers to provide the infrastructure.</p> <p>Given Haldimand’s current Local Service policy (which has a relatively broad scope at this time), this could have financial impacts in the future.</p>
<p><b>Definition of capital costs (subject to regulation):</b> The proposed changes allows the Province, through regulation, to deem certain growth related capital expenditures as “ineligible”. Although the focus appears to be on land, it does not limit the ability to deem other costs ineligible as well.</p>	<p>Any ineligible growth related costs would require municipalities to fund these cost from other municipal sources. As these amendments would be done through regulation, this would require municipalities to find alternative funding for costs that were planned to be DC funded. This would likely require additional financing/and or debt capacity.</p>

**Planning Act – Ministry of Municipal Affairs and Housing**

<b>Area of impact</b>	<b>Staff comments in response</b>
<p><b>Study requirements and certified professionals:</b> municipalities would no longer have the ability to require new complete application studies / reports beyond what is currently identified in their official plans except where/if MMAH approves new requirements. As well, MMAH would have regulation-making authority to create rules to:</p> <ul style="list-style-type: none"> <li>• List topics that cannot be required for a complete application</li> <li>• Specify the only studies that can be required for a complete application</li> <li>• Require municipalities to accept studies from certified professionals</li> </ul>	<p>Through the most recent update to Haldimand’s Official Plan (OP), staff developed comprehensive policies related to complete applications and the range of studies that could be required for such. Staff are not concerned with this aspect of the initiative given our current state and the fact that our OP ‘covers all the bases’.</p> <p>With respect to the regulation making authorities, staff have concerns with all 3 listed as follows:</p> <ul style="list-style-type: none"> <li>• List of topics that cannot be required for complete application and specifying the only studies that can be required: Staff are of the opinion that the determination of supporting studies should be left to municipal professionals who know their systems, services, geography/landscape, and infrastructure challenges best. Haldimand’s practice has always been to require only those studies that represent necessary inputs and value-add to any given assessment. The prospect of having some of these ‘must haves’ removed from our analysis could be problematic given we may not be able to develop a complete</li> </ul>

Area of impact	Staff comments in response
	<p>picture of the implications of a project and any necessary mitigation. This could leave certain public interest matters hanging in the balance. The current draft regulation appears to focus on limiting just a few studies at this time, specifically those relating to sun/shadow, wind, urban design and lighting (what we refer to as photometrics), but more could be added. While studies relating to sun/shadow and wind are more applicable to high rise developments (e.g. 12+ storeys), Haldimand does routinely require lighting studies to ensure that off-site impacts of light spillage are not introduced and urban design (UD) studies to ensure general alignment with our UD guidelines and in recognition of the fact that the appearance of a project can be equally important as the function. The removal of these technical and aesthetic-focused studies stands in contrast to what we believe to be good planning.</p> <ul style="list-style-type: none"> <li>• Requiring municipalities to accept studies from certified professionals: the intent here is to definitively state that certain requisite information and materials provided as part of a development application are deemed to meet the applicable requirements if the information or material is prepared by a person authorized to practice a prescribed profession. As an example, a transportation impact study prepared by a qualified engineer would be deemed to meet the requirement to submit such a study, notwithstanding any municipal concerns with the study's contents. Staff have concerns with this given history and experience – specifically, there have been times when a certified professional (P. Eng, RPP, etc.) has provided substandard / error-filled technical analysis or incomplete assessments. The change proposed would require us to accept all studies as part of the complete application and review them as key supports for same. This could (on occasion) lead to incomplete or inaccurate information having to be relied upon in staff's analysis.</li> </ul>
<p><b>As-of-right variations from setback requirements (minor variances):</b> MMAH would have the regulation-making authority to allow variations to be permitted as-of-right if a proposal is within a prescribed</p>	<p>The MMAH is proposing a 10% setback reduction as-of-right for residential lands, which would have the effect of fewer applications submitted and fewer hearings for minor variances. While this has merit in that it would streamline the process and reduce cost for proponents - and would also 'free up' staff time to</p>

Area of impact	Staff comments in response
percentage (10%) of setback requirements in urban residential lands	focus on larger, more complex matters - staff do have some concerns with a 'carte blanche' application of this provision. Specifically, modern subdivisions have established, limited setbacks in place at present. In some cases, side yard setbacks are as little as 0.6 metres (2 feet) which represents just enough space to allow for passage from a front yard to rear yard and general maintenance activities at the side of the dwelling. A further reduction of a setback at that level, even by a few inches (10% of 2 feet is 2.5 inches), could create issues in the proper function of said side yard. While staff can generally support as-of-right reduction of 10%, we feel a minimum threshold of where that is applied should be established (e.g. only for setbacks greater than 1 metre).
<p><b>Streamlining planning approvals for schools:</b> Changes would exempt the placement of portable classrooms on all school sites from municipal site plan controls (SPC); and, would give explicit permission for publicly funded schools and associated childcare on urban lands zoned for residential uses.</p>	<p>Staff are generally in agreeance with the proposal to remove portables from the SPC process. Staff have recently discussed the prospect of developing an exemption as part of the next zoning by-law update given the relatively innocuous nature of these installations and the lack of any measurable impact in relation to site functions (e.g. drainage).</p> <p>Staff do have concerns with the explicit permissions to site schools and daycares in any urban residential area. While these uses have a demonstrated level of compatibility with residential areas, their locations are best subject to a review to ensure that infrastructure in place can accommodate a higher volume use (e.g. water, sanitary, transportation network). Staff believe it remains best to consider placement of such uses through a public and detailed review process (e.g. zoning amendment).</p>
<p><b>Official Plan population updates:</b> Ministry of Finance (MOF) population projections from 2024 indicate some areas will experience higher growth than previously estimated. MMAH has determined that some municipal OPs are outdated and misaligned with new projections. MMAH intends targeted outreach to these municipalities and to require them to update their plans to align.</p>	<p>The Council approved Population, Household and Employment Forecasts (Watson, August 2024) reflect the updated MOF projections and are now being used for all strategies and studies that contain a population component (e.g. Development Charges Background Study). However, the Haldimand Official Plan has not been updated to reflect these new forecasts given staff intend to incorporate that work into the next update which will start in 2026. The amount of work required to complete the update is significant and not limited to just inserting new numbers into the OP. Rather, it requires a fulsome assessment of our urban areas to determine if there is sufficient land supply to accommodate the increased forecasts or if urban boundary expansion(s) is (are) required. This work is</p>

Area of impact	Staff comments in response
	<p>best done as part of a fulsome OP review, and not a 'one off' as appears to be suggested. Staff have not accounted for this work in its 2025 workplan and having to take this on would require delays in other projects and possibly additional funding for external consultants supports (e.g. to assess servicing capabilities if boundary expansion is necessary). Of note, the current OP represents a land supply that can sufficiently accommodate the MOF projections that were in place at the time of approval in 2021 – i.e. 77,000. Whereas, the new projections for Haldimand – which we must 'plan to' – represent an additional 5,700 person at 82,700. It is expected that this additional forecast will result in some level of policy change in urban area footprints (boundary expansion) and/or density standards (higher levels, more intensification areas) when the OP is next updated.</p>
<p><b>Provincial policy tests:</b> MMAH proposes to consult on making provincial policy tests inapplicable with respect to all Minister's decisions under the Planning Act. A transparent and accountable oversight framework would be developed to support implementation.</p>	<p>This proposal requires more detail and consultation is expected. Staff are concerned with the inconsistency this appears to create relative the execution of the Provincial Planning Statement (PPS) as well as other provincial policies. In particular, municipalities are expected to ensure all their planning application decisions are in alignment with ('consistent with') the PPS. This serves to create predictability in the approval system in terms of what is expected. Giving the Minister authority to deviate from a policy document (e.g. PPS) that he has developed and imposed as the standard for assessing growth and development, appears to create a double standard and two-tiered system. A fair and consistent planning policy framework requires that all parties should be held to it.</p>
<p><b>Streamlining Official Plans (OPs):</b> In response to concerns that OPs have become lengthy, complicated and highly restrictive documents that take years to prepare, MMAH would consult with municipalities on proposed legislation / regulatory changes needed to establish simplified, standardized and inclusive land use designations with more permitted uses.</p>	<p>There is currently not enough information for staff to render a fulsome opinion. However, the changes proposed do appear to align with the approach taken with the most recent OP update where more flexible and broad policy frameworks were developed and embraced (by stakeholders, general public, etc.). This included policies related to agriculture, commercial and industrial areas of the County. Further examination of this change will take place in future as part of the proposed consultation.</p>
<p><b>Minister's Zoning Orders:</b> Section 47 of the <i>Planning Act</i> sets out, among other things, the Minister's power to impose a ministerial zoning order (MZO). Bill 17 proposes to add new provisions that would</p>	<p>While staff would normally not have any comments relative to this change, the 'in limbo' Nanticoke MZO warrants its mention. As staff have shared with Council, it is currently unknown at what stage in process the Nanticoke MZO is with the MMAH.</p>

Area of impact	Staff comments in response
grant the Minister additional power to impose conditions on MZOs – an authority that the Minister currently does not have. These conditions could involve actions for municipalities and/or proponents, helping to improve accountability and ensure projects meet provincial objectives.	Information has been very limited from the Ministry other than to note that it has received a submission from Empire. To what extent the new powers that are proposed play into a decision is unclear. Further, it is not clear what the imposition of conditions could require of Haldimand should the Minister decide to approve the MZO (e.g. staff effort, study requirements, etc.).

Actions proposed under the Ministry of Infrastructure Act (Ministry of Infrastructure) and Transit-Oriented Communities Act (Ministry of Infrastructure) largely relate to municipalities with a transit system and transit planning framework. Staff do not have any comments at this time relative to these areas.

**Next Steps:**

If Council concurs with the comments outlined in the tables above, staff will work towards submission of the comments to the relevant ERO postings. Staff will also continue to monitor progress of Bill 17 through subsequent readings and report back to Council should any major changes occur. Staff will also plan to participate in the various consultation sessions that have been signaled by the MMAH and described above to ensure Haldimand’s perspectives are shared.

**Financial/Legal Implications:**

Numerous actions proposed within the Act could impact Haldimand financially (e.g. development charge revisions) as well as limit various legislative authorities currently in place (e.g. zoning provisions). The degree of impact will not be known until final version of the Act is read into law and associated regulations are developed.

**Stakeholder Impacts:**

Not applicable.

**Report Impacts:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

**References:**

None.

**Attachments:**

1. MMAH Letter.