REPORT

Planning and Development Council

Meeting Date: May 26, 2025

FROM:	Community Development Commission Corporate Services Commission Community Infrastructure Commission
DATE:	May 26, 2025
SUBJECT:	**Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025 and** **Bill 5 - Protect Ontario by Unleashing our Economy Act, 2025**
LOCATION:	Town-wide
WARD:	Town-wide

RECOMMENDATION

1. That the staff comments included in the report "Bill 17 - *Protect Ontario by Building Faster and Smarter Act*, 2025 and Bill 5 - *Protect Ontario by Unleashing our Economy Act*, 2025" be submitted to the Environmental Registry of Ontario, per the respective postings.

2. That the report titled "Bill 17 - *Protect Ontario by Building Faster and Smarter Act*, 2025 and Bill 5 - *Protect Ontario by Unleashing our Economy Act*, 2025" dated May 26, 2025, be forwarded to the Minister of Municipal Affairs and Housing, Halton Area MPPs, Halton Region, City of Burlington, Town of Halton Hills, Town of Milton, Conservation Halton and Credit Valley Conservation.

KEY FACTS

The following are key points for consideration with respect to this report:

- This report is provided for information to Council regarding initiatives announced by the Province on May 12, 2025, regarding the new Bill 17. Specifically, changes to the *Planning Act, Development Charges Act, Building Code Act, Transit-Oriented Communities Act, Metrolinx Act,* and the *Ministry of Infrastructure Act*. Depending on the associated ERO posting, comments are due to the Province on either June 11th or June 26th, 2025.

- The comments provided in this report are based on a preliminary review of the information by Town staff.
- A further report may be provided when more information becomes available and/or when proposed changes are enacted by the Province.
- This report also provides an update on the Province's May 12, 2025 decision as it relates to O. Reg. 232/18: Inclusionary Zoning.
- The Province introduced Bill 5 - *Protect Ontario by Unleashing our Economy Act,* 2025 on April 17, 2025. The bill proposes a suite of legislative reforms intended to stimulate economic growth and streamline development processes across Ontario. The town's submission to the Province on Bill 5 is provided herein.

BACKGROUND

This report provides commentary on two current bills introduced by the provincial government: Bill 17 *Protect Ontario by Building Faster and Smarter Act*, 2025 and Bill 5 - *Protect Ontario by Unleashing our Economy Act,* 2025. Comments on Bill 5 were submitted in advance of the Province's deadline and described later in this report.

Bill 17 is an omnibus bill proposing amendments and modifications to numerous existing statutes and provides new legislation on disparate subjects. The Bill introduces a series of changes that aim to accelerate infrastructure development, streamline housing approvals, and support the province's goal of constructing 1.5 million new homes by 2031.

Oakville supports the Province's objective of increasing housing supply and improving delivery timelines; however, local implementation must remain practical and responsive to community needs. Productive engagement with the Province remains key to ensuring alignment between legislative intent and the town's ability to implement the desired change effectively.

Collectively, these changes represent a significant shift in how municipalities are expected to plan for growth, deliver infrastructure, and support housing development. While the stated goal is to cut red tape and accelerate construction, many of the proposed changes would limit the tools available to municipalities to manage development in a way that is co-ordinated, sustainable, and aligned with Council-approved plans.

The Bill, if implemented, will affect how development applications are reviewed, what materials can be required as part of a complete submission, the timing and structure of development charge collection, and the authority of Ministers to direct local processes or request information. The Bill also proposes limiting the ability of

municipalities to pass by-laws respecting the construction or demolition of buildings, further constraining local control over built form. These changes come at a time when municipalities are already responding to recent provincial reforms—adjusting to expanded responsibilities in areas such as infrastructure delivery and housing tracking, while managing increased financial and operational pressures tied to growth.

Bill 17 is currently at Second Reading (as of this report) and proposes amendments to eight statutes. It is subject to further debate and potential modifications before receiving Royal Assent. Eight schedules complement the bill corresponding to each of the statutes affected:

Schedule 1	*Building Code Act,* 1992
Schedule 2	*Building Transit Faster Act,* 2020
Schedule 3	*City of Toronto Act,* 2006
Schedule 4	*Development Charges Act,* 1997
Schedule 5	*Metrolinx Act,* 2006
Schedule 6	*Ministry of Infrastructure Act,* 2011
Schedule 7	*Planning Act*
Schedule 8	*Transit-oriented Communities Act,* 2020

The Province is seeking feedback on the proposed Bill, with the consultation period open until June 11, 2025, or June 26, 2025, depending on the associated Environmental Registry of Ontario (ERO) posting, with notices for both the statutes and regulations. There is also a notice posted to the Regulatory Registry:

ERO #025-0450: Amendment to the *Building Transit Faster Act*, 2020

ERO #025-0461: Proposed *Planning Act* and *City of Toronto Act*, 2006 Changes (Schedules 3 and 7 of Bill 17)

ERO #025-0462: Complete Application [regulation]

ERO #025-0463: As-of-right Variations from Setback Requirements [regulation]

ERO #025-0504: Accelerating Delivery of Transit-Oriented Communities

RR25-MMAH003: Changes to the *Development Charges Act*, 1997

The Province issued its decision on ERO 019-6173: Proposed Amendment to O. Reg 232/18: Inclusionary Zoning on May 12, 2025, which is discussed later in this report.

COMMENTS

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

The proposed changes to legislation, regulations and policy are summarized below organized by Bill 17 Schedule, including the associated ERO posting. Each section is complemented by staff's preliminary assessment of the potential effect of the proposed changes on town matters; and where appropriate – a response to the proposal which may be shared with the Province.

Schedule 1 – *Building Code Act*, 1992

Summary of Proposed Changes:

- Limit the authority of the Building Materials Evaluation Committee (BMEC) by removing the ability for the BMEC to initiate research and examine construction materials, systems and building designs if the Canadian Construction Materials Centre has already examined or expressed its intention to examine an innovative material, system or building design.
- Remove the Minister's authority though a Minister's Ruling to approve the use of innovative material, system or building design that have been evaluated by the CCMC, thus removing the need for manufacturers to obtain secondary approval for use of innovative materials in Ontario.
- Clarification added to section 35 of the *Building Code Act* which would no longer enable municipalities to create local requirements that differ from the BCA or the Ontario Building Code by removing the ability to pass by-laws in respect of demolition and construction.

Comments to the Province: The proposed amendments to the *Building Code Act* will simplify approvals when innovative materials are proposed. The proposed amendment is silent on existing by-laws that have been passed and are in use. Additional clarity is needed to determine the impact on current and future approvals.

Schedule 2 – *Building Transit Faster Act*, 2020 (ERO #025-0450)

The proposed amendment to the *Building Transit Faster Act* (BTFA) introduces a new definition for "provincial transit project," expanding the scope of the BTFA beyond the originally named "priority transit projects." This would allow Metrolinx to use key BTFA tools for all provincial transit projects, without requiring each to be specifically listed in the legislation or regulations.

Summary of Proposed Changes:

- Introduces a broader definition of "provincial transit project" as any transit project Metrolinx is authorized to carry out.
- Removes the need to name or prescribe projects individually in the Act or regulations.
- Enhanced framework for co-ordinating utility relocations.
- Requires owners of adjacent land and infrastructure to obtain a corridor development permit for construction and development activities that may interfere with transit construction.
- Allows for the ability to enter lands for due diligence work removal of obstructions and encroachments (e.g., trees), addressing imminent danger, and for the purpose of ensuring that a permit or stop-work order is being complied with.
- Allows for a streamlined land assembly process.

Provincial Rationale: If the amendment is passed, it is expected to lead to faster delivery of public transit projects across Ontario. By expanding the number of transit projects covered under the *Building Transit Faster Act* (BTFA), the government aims to accelerate construction timelines. This will help reduce traffic congestion and shorten commuting times. In turn, less vehicular traffic on the roads will contribute to lower greenhouse gas emissions. Additionally, improved transit infrastructure is anticipated to support economic growth by enhancing mobility and connectivity throughout the province. Current projects include Ontario Line, Yonge North Subway Extension, Scarborough Subway Extension, Eglinton Crosstown West Extension, Hamilton Light Rail Transit, and the Hazel McCallion Light Rail Transit line extensions.

Comments to the Province: The proposed amendment to the *Building Transit Faster Act* could bring benefits to Oakville. It could help speed up the approval process for new transit projects, which means better and faster connections throughout the Greater Toronto and Hamilton Area. This could reduce commute times, lower traffic congestion, and encourage more people to use public transit. In the long term, it could also help cut greenhouse gas emissions and support Oakville's economic growth by attracting businesses.

The amendment may diminish the Town's ability to review and evaluate how projects are planned and built in the local context, giving more authority to the Province and Metrolinx. Fast-tracked construction could lead to increased noise levels, tree removals, and disruptions in residential areas. It could also put extra pressure on local roads and services. Reduced time for public consultation may limit residents' ability to provide meaningful input on how these projects affect their neighbourhoods.

The changes in Bill 17 identified for Schedule 5 – *Metrolinx Act*, 2006 also notes that: "The Minister may issue directives in writing directing a municipality or its municipal agencies to provide the Minister or the Corporation with information and data, as well as copies of any contracts, records, reports, surveys, plans and any other document that, in the Minister's opinion, may be required to support the development of a provincial transit project or transit oriented community project, and the municipality or its municipal agencies shall comply with the directive within the time specified by the Minister". Should the Minister exercise the ability to direct the Town for information, additional Town staff resources may be required to fulfill the request by the Minister, pending the scale of the project in question.

Schedule 3 – *City of Toronto Act*, 2006

Comments to the Province: None.

Schedule 4 – *Development Charges Act*, 1997 (RR 25-MMAH003)
Changes to the *Development Charges Act*, 1997 to Simplify and Standardize the Development Charge (DC) Framework.
Commenting period: May 12, 2025 – June 11, 2025

Summary of Proposed Changes:
The *Protect Ontario by Building Faster and Smart Act, 2025* (Bill 17), proposes numerous changes to the *Development Charges Act, 1997* (DCA) that are intended to simplify and standardize development charges (DCs), and reduce DCs in an effort to lower the cost of housing construction. Some of the changes would take effect upon Royal Assent of Bill 17 or a date proclaimed by the Lieutenant Governor in Council, and others would take effect through future regulations.

Generally, the changes will result in an administrative and cash flow impact that may increase the town's need for debt financing and/or impact the timing of capital projects. The changes that are enabled by future regulations could have significant impacts in how growth-related infrastructure is funded and impact the extent that growth pays for growth; however, full details are not yet known. Staff will monitor

these processes and recommend to the Province that fulsome consultation take place. Staff look forward to engaging with the province on these future changes.

The following sections provide a summary of the changes as communicated by the Province, by each initiative. Staff have added preliminary considerations, and comments to the Province. Staff continue to review the impacts of the proposed legislation to provide comments to the Regulatory Registry of Ontario by the June 11, 2025 deadline.

Summary of Proposed Changes and associated Town Comments

Create regulation-making authority to merge DC service categories for credit purposes

Provincial Rationale: Under the DCA, builders can recoup costs for eligible infrastructure that they build in the form of a credit to be used towards their payable DCs. However, unless the municipality provides an exemption through an agreement, these credits can only be used towards DCs for the same service (e.g., DC credits for road infrastructure can only be applied to road DCs). This current structure limits the amount of DC credit room for developers to receive reimbursement for work performed.

The proposed change would give the province regulation-making authority to merge related service categories for the purpose of DC credits (for example, road credits could be applied to transit DCs), which will increase the DC credit room for developers to receive reimbursement for work performed.

Town Considerations: The use of DC credits as a means of compensation for infrastructure delivery is an option that can be agreed to by the municipality and builder through section 38 of the DCA. Reducing current limitations to the use of DC credits can be beneficial to both parties, as the delivery of infrastructure by the builder for DC credits can be a preferred means of infrastructure delivery and reimbursement. The merging of services would create a cash flow impact for the merged service(s) that the infrastructure is not serving, as DC credits would reduce the DCs collected for the related service(s), which are needed to provide other growth-related infrastructure. The cash flow impact may be acceptable to the town in circumstances where a DC credit arrangement most efficiently delivers the required infrastructure.

The town does not currently have any outstanding DC credit arrangements, but it is common practice for builders to construct parks on the town's behalf, with reimbursement by the town from DC funds. The use of DC credits could increase if a future definition of local service excludes assets that the town currently considers a local service, as the amount of infrastructure the town is responsible for that is more

efficiently delivered by the builder would increase. DC credits may also be preferred compared to direct reimbursements due to the proposed deferral of residential DCs, as credit arrangements may alleviate cash flow impacts from deferrals.

Comments to the Province: None.

Create regulation-making authority to define a local service

Provincial Rationale: Local services are infrastructure that a municipality may require a developer to build, as a condition of their development. These capital services may be installed and/or paid for by the developer. The DCA prohibits municipalities from levying DCs on “local services,” but there is no definition of “local services” in the DCA. The proposed legislative change would provide the province with regulation-making authority to define local services to assist in standardizing what infrastructure services are captured under municipal local service infrastructure policies compared to infrastructure services captured by DCs. This would help to reduce disputes between developers and municipalities causing delays in housing and other developments proceeding.

Town Considerations: The town currently has a Local Service Policy as part of the 2022 Development Charges Background Study. This policy clearly outlines what infrastructure is considered a local service and is the responsibility of the builder to deliver and fund, and what infrastructure is the responsibility of the town and funded through DCs. The prescription of what constitutes a local service, and how that compares to the town’s current policy, could result in changes to how certain types of infrastructure are delivered and/or funded. These changes would need to be reflected in future DC Background Studies and/or site plan and subdivision agreements. If the new definition for local services excludes assets that the town currently considers a local service, there may be an increase in infrastructure the town is responsible for that is more efficiently delivered by the builder on behalf of the town, by way of using DC credits or reimbursements.

Comments to the Province: Consultation should take place with municipalities in advance of a local services definition coming into force, and a transition period established.

Defer payment of DCs for all residential developments

Provincial Rationale: To allow DCs for any residential development to be deferred from building permit issuance, until building occupancy to provide greater cash flow flexibility for builders. Municipalities would not be able to charge interest on any legislatively deferred payments.

Currently under the DCA, only rental housing and institutional developments (e.g., retirement homes) are subject to a mandatory payment deferral. For developments subject to the DC deferral provisions, DCs are paid in annual installments beginning at building occupancy, rather than at the time of building permit issuance, and municipalities may charge interest on deferred DCs to help offset deferred revenues. For consistency across all types of developments subject to the DC deferral provisions, it is proposed that interest payments would also be removed from the existing deferral for rental and institutional developments.

The Building Code only requires occupancy permits (OP) for certain residential developments where developers want occupancy to begin prior to construction being completed. To receive an OP, the Code requires developers to meet certain health and safety standards. If a residential development is not subject to an occupancy permit, a municipality may require a financial security (e.g., a letter of credit) to secure payment of DCs at the time of building. A proposed regulation-making authority would enable the government to prescribe the instruments (i.e., financial securities) a municipality could require to secure payment of DCs.

Town Considerations: The deferral of DC collections for all residential development as proposed creates a cash flow issue for the town and could increase the use of debt financing and impact capital project timing.

The deferral creates a timing issue for funding, as DCs are often needed to pay for land and infrastructure costs in advance of the occupancy of new homes. The deferral as proposed also results in reduced purchasing power when DCs are collected, as removing the ability to collect interest during the period of deferral (from building permit to occupancy) means DCs collected will not reflect current construction costs and/or the cost of borrowing. Further, the removal of interest related to rental housing and institutional developments that are eligible to pay in instalments (6 payments over 5 years, beginning at occupancy) will result in similar cash flow impacts.

The proposed changes also appear to allow for early payments, in advance of when DCs would otherwise be payable, without the need for an agreement under section 27 of the DC Act. This allows for flexibility and can assist with the cash flow impacts of deferrals; however, may also allow for payments in advance of building permit (as the town’s by-law currently requires), to avoid changes in DC rates that are intended to keep up with the cost of providing growth-related infrastructure

Providing the authority to require financial security for types of development where occupancy permits are not issued is important and should allow for security of the full amount of future DCs payable.

The deferral of DC payments will have a significant administrative impact on town staff to effectively manage the extended and more complex DC collection process (i.e. securities, occupancies).

Comments to the Province: Municipalities should be allowed to charge interest on deferred payments, as is currently allowed for, so that collections are in line with the cost of infrastructure and/or borrowing.

The ability to require a financial security is important. The financial instruments that can be required to secure payment should be prescribed in advance of when the deferral comes into force so that builders and municipalities can manage this process immediately. In addition, it should be made clear that municipalities may withhold an occupancy permit under the Building Code until DCs are paid.

Currently, if a development type that is eligible to pay DCs in instalments (rental housing, institutional) changes to a different development type, all outstanding DCs are payable immediately. The proposed changes remove from the DCA the ability for the town to collect any outstanding DC installments payable if there is a change in the type of development that qualifies for payment in instalments to a type that does not qualify. This means that a development could be receiving an interest-free instalment plan intended for rental housing or institutional development, while not actually providing that type of development. This section that allows for the collection of outstanding DCs if there is a change in development should remain in the DCA so that rental housing and institutional developments are incentivized as intended and that all development is treated equally. If this section is removed as proposed, it could lead to abuse of the instalment option.

It is recommended that any changes to the timing of DC collection also be made to the Education Act for the purposes of education DCs, to maintain consistency in the DC process for builders and municipalities.

Help enable by-laws to be amended to reduce DC rates without certain procedural requirements

Provincial Rationale: Municipalities would be enabled to make any changes that would only have the effect of reducing DCs without having to amend or undertake a new background study, hold public consultations, etc. For example, municipalities could remove annual indexing, allow for annual phasing-in of DCs, and provide exemptions or discounts without the need to undertake certain lengthy procedural requirements.

Town Considerations: This adds flexibility should the town wish to amend the DC by-law to allow for various forms of relief. Removing the current mandatory public

process for these changes would require the town to ensure that full transparency and opportunity for public engagement takes place if amendments are proposed.

Comments to the Province: None.

Help enable use of the Non-residential Building Construction Price Index (BCPI) for London

Provincial Rationale: Currently, only the Toronto and Ottawa-Gatineau StatsCan Non-Residential Building Price Index is available for use for the purpose of indexing DCs. It is proposed that the new StatsCan Non-residential Building Construction Price Index for London would be prescribed as an additional option for the purposes of indexing DCs. This would provide Southwestern Ontario municipalities that use DCs to use an index that more closely reflects their costs (instead of the Toronto index).

Town Considerations: The town currently uses the index for the Toronto area. This would enable the use of the index for the London area if it better represented the inflationary impacts of delivering growth-related infrastructure for the town.

Comments to the Province: None.

Create regulation-making authority to prescribe limits on recoverable capital costs

Provincial Rationale: Currently, the DCA lists eligible capital costs, such as land, buildings, and computer equipment, to be recovered from DCs. There is regulation-making authority to prescribe the services for which only land would be an ineligible capital cost for DCs. The proposed legislative change would create a regulation-making authority to prescribe limits and exceptions to the eligible capital costs, including land costs.

According to a recent report by BILD/OHBA, while land costs are a reasonable eligible DC cost, the eligible land values being estimated and included in DC background studies can significantly inflate municipal DC rates across eligible services. This proposal would help make DC costs more predictable across all municipalities and DC services.

Town Considerations: Capital costs are already limited in the DCA, the removal of currently eligible costs (e.g. land) will increase the funding required from other sources to fund necessary growth-related land and infrastructure. One cost being reviewed is land. The exclusion of land as an eligible cost for prescribed services (as originally proposed through Bill 23) would have a significant impact on the town's ability to pay for the land needed to construct growth-related infrastructure. Land is

an integral component of new/expanded infrastructure, and in the absence of alternative funding from the province this could result in delays in providing necessary infrastructure and impacts to service levels.

Comments to the Province: Consultation should take place with municipalities. The removal of currently DC eligible costs will increase the funding required from other sources to fund necessary growth-related land and infrastructure. This could have a significant impact on the town's ability to pay for the land needed to construct growth-related infrastructure.

Recommendations in the recent report by BILD/OHBA to adjust how land is included in the calculation of DC rates is a better approach than removing land as an eligible cost; however, this requires further consultation and adjustments to ensure all impacts of changes are properly considered and addressed. The recommendations in that report would have a major impact on the ability for municipalities to provide growth-related land and infrastructure.

Help enable developments to benefit from the lowest applicable DC rate

Provincial Rationale: This proposed change would ensure that development receives either the frozen DC rate or a lower DC if the rates have been reduced during the freeze period. This change is required because there have been cases where municipalities have collected at higher than current rates through the DC frozen rate. This will help to create predictability for builders.
The DCs on a particular development are frozen when a site plan application or zoning application is made and typically payable at the time of building permit issuance at that frozen rate, plus municipal interest. If a homebuilder is issued their building permit within 18 months (or 24 months for the town) of the relevant application being approved, they pay the DC frozen rate. Otherwise, they pay the DC rate in effect at that time. In some circumstances, the DC rate in effect at the time can be lower than the frozen rate at the time of payment.

Town Considerations: This limits DC collections to current DC rates, which is fair and reasonable. There is no impact related to this change.

Comments to the Province: None.

Exempt long-term care homes from municipal DCs

Provincial Rationale: Make a legislative amendment to make long-term care homes exempt from municipal development charges on a go-forward basis. This would remove a financial barrier for long-term care developments and could incent more builders to construct long-term care homes for Ontario's aging population.

Even though long-term care developments benefit from the existing DC deferral, payment of DCs for these institutions can serve as a financial barrier for the building of this provincial priority. Removal of development charges will contribute to achieving the government's 58,000 long-term care bed commitment by removing costs that can total over $30,000/bed.

Town Considerations: The town is required to fund the DCs that are otherwise payable from the types of development that are exempt from payment of DCs. The introduction of this exemption would increase the amount of funding required from the town

Comments to the Province: None.

Prescribe methodologies for calculating the benefit of new infrastructure to existing development

Provincial Rationale: Pending feedback from consultations with the development industry and municipalities, the government could prescribe a methodology, through regulation, for calculating the benefit of new infrastructure on existing development. This would provide homebuilders with better clarity and cost certainty and make municipalities more transparent on the methodology used to determine their DCs. A regulation-making power exists to prescribe methodologies for calculating the benefit to existing development.

Under the DCA municipalities are required to deduct the costs for the share of infrastructure that would benefit existing development from the total capital cost that can be recovered from DCs. In determining DCs, "benefit to existing" (BTE) reflects the portion of a project's costs that are deducted from the total project's costs to account for the value that infrastructure provides to those already living in the area to ensure that DCs are used to cover the costs directly attributable to growth. There is no consistent formula or definition for calculating BTE development in the legislation, and calculations are made at the discretion of municipalities based on local circumstances.

Town Considerations: BTE methodologies are important to ensure that the cost of infrastructure is funded appropriately by DCs and municipalities. While there may be types of projects where BTE's can be standardized (e.g. Road widenings), other projects are unique in their circumstances and require specific BTE's to ensure the appropriate funding split.

Comments to the Province: Consultation is required on the type of infrastructure that a regulation-making power would prescribe methodologies for, and the recommended methodology for that infrastructure so that it is fair and equitable.

Increased transparency through Annual reporting

Provincial Rationale: The proposal is to consult on the use of existing regulation-making authority for additional requirements to enhance municipal DC information transparency. The Ministry will explore amendments to standardize DC background studies and improving public accessibility of annual municipal treasurer DC statements, using an existing authority. This will lead to increased transparency to the public on the municipal collection and use of DCs towards infrastructure investment

Municipal treasurers must prepare a financial statement accounting for the DC funds collected and in reserves each year. There has been criticism that information on the municipal collection and use of DCs (e.g., annual treasurer statement) is not made readily accessible on municipal websites and is difficult to obtain.
Under the More Homes Built Faster Act, 2022 (Bill 23), legislative changes were made to require that municipalities must spend or allocate 60% of the money collected from DCs in a reserve fund for select services (i.e., water, wastewater, and roads) at the beginning of each year. The proposal includes making regulatory changes to expand the DCA requirement that municipalities must spend or allocate 60% of the money in a reserve fund for select services (i.e., water, wastewater, and roads) at the beginning of each year to all services (e.g., libraries, fire, police, childcare, etc.); for example, municipalities would have to spend or allocate 60% of the money in a reserve fund for recreation at the beginning of each year.

Town Considerations: Transparency in the collection and use of DCs is important. The recommended changes are reasonable and are in line with the town's goal of collecting DCs appropriately from development and redevelopment to fund growth-related infrastructure.

Comments to the Province: Consultation on new reporting requirements is important to ensure any new requirements achieve the intention and are a proper representation of how municipalities collect and use DCs.

Schedule 5 – *Metrolinx Act*, 2006

Summary of Proposed Changes:

- The Minister may direct a municipality or its municipal agencies to provide the Minister or the Corporation with information and data that may be required to support the development of a provincial transit project or transit-oriented community project

Comments to the Province: The Town of Oakville supports the delivery of Provincial transit and transit-oriented community projects and has a good working relationship

with Metrolinx. There is a mutual benefit when staff can assist with projects as it ensures Metrolinx is making decisions based on the right information, and the projects Metrolinx works on generally supports several Town objectives and provides a benefit to residents.

Based on staff's experience, the data that Metrolinx is most likely to request (i.e. traffic volumes or population projections) is generally readily available and already is provided to Metrolinx upon request. If the intent of the proposed amendment to the *Metrolinx Act,* 2006, is to require the municipality to provide or compile extensive or complex documentation with little notice that would be problematic. This may include materials that are sensitive, confidential, or not readily available in a usable format. The legislation should ensure that any requested information is relevant, reasonable, and proportionate to the needs of the specific transit project.

Additionally, responding to such directives could require significant staff time and resources. For municipalities like Oakville that are already working to streamline planning approvals and support housing development, this redirection of staff effort could inadvertently slow down the processing of development applications, undermining the very goal of building housing faster. Planning staff play a critical role in reviewing applications, conducting public consultation, and advancing the housing supply. Pulling staff away from these functions to respond to open-ended data requests will create delays elsewhere in the system.

The Town encourages the Province to work with municipalities early in the planning process to understand what information is available and how to access it. Clear guidelines and support, especially when staff time is needed, would help ensure municipalities can support provincial goals without taking resources away from local priorities.

Schedule 6 – *Ministry of Infrastructure Act*, 2011

Summary of Proposed Changes:

- The Minister of Infrastructure would be empowered to issue directives requiring municipalities and their agencies to provide specific information, data, and documents to the Minister or to the Ontario Infrastructure and Lands Corporation.
- Certain sections of the *Ministry of Infrastructure Act* are proposed to be repealed which previously outlined certain limitations and procedures related to data requests, and their removal is aimed at streamlining the process for obtaining municipal data
- Revocation of Ontario Regulation 378/24: The revocation of O.Reg. 378/24 is part of the broader effort to simplify and expedite the data acquisition process for provincial infrastructure initiatives.

Provincial Rationale: These proposed changes are intended to facilitate the planning and execution of provincially funded infrastructure projects by ensuring timely access to necessary information.

Comments to the Province: None

Schedules 7 – *Planning Act* (ERO #025-0461)
Commenting period: May 12, 2025 - June 11, 2025

Summary of Proposed Changes:

- Introducing a regulation to permit "as-of-right" variations of up to 10% from setback requirements on specified lands.
- Limit the studies and materials municipalities can require when reviewing Planning applications (e.g. Official Plan Amendments, Zoning By-law Amendments, site plan control, subdivisions, and consents).
- Remove specific study requirements for a municipality to require the following topics/studies as part of a complete planning application:
    - Sun/Shadow Studies: Impacts of shadows cast by new developments.
    - Wind Studies: Effects of new buildings on wind conditions in the surrounding area.
    - Urban Design Reports: How the project aligns with local urban design guidelines or policies.
    - Lighting Details: Information on site lighting, including fixture types and light levels.
- Extend the exemption from site plan control to all public school sites when placing portable classrooms, not just those built before 2007.
- Allow the Minister of Municipal Affairs and Housing to impose conditions on the use of land or the location or use of buildings or structures that must be fulfilled (by either a municipality or a proponent) before a Minister's Zoning Order (MZO) comes into effect.
- New provisions provide for restrictions in Official Plans and Zoning By-laws with 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.
- New subsections 17 (21.1) and (21.2) of the Act require the Minister's approval before making certain amendments to an Official Plan.

Provincial Rationale: The proposed changes aim to build on earlier reforms by making the development application process easier to navigate, offering more certainty for applicants, thereby reducing obstacles to achieve approvals. By streamlining land use planning, the legislation intends to accelerate housing and infrastructure development so school boards, developers, homeowners, and other parties save time and costs. The provincial government has been clear in its intent to make it easier and faster to build homes, businesses, and schools across Ontario.

Town Considerations: The result of the new changes from Bill 17 to section 47 is that the Province would now be able to set conditions for both zoning and subdivision approvals through an MZO. Of note, the Minister of Infrastructure has been granted authority to exercise Minister's Zoning Order under s.47 of the *Planning Act*. Although it is not contained explicitly in the Act, it was completed through an Order in Council and is understood to be in full force and effect.

The conditions that the Minister would be able to set when using a MZO are similar to what the Town can already do using a "holding provision" — which require certain things to be done before new zoning rules take effect, like building a road or ensuring that servicing is available. This would be a new authority for the Minister.

The *Planning Act* already allows the Minister to reclaim its authority to approve plans of subdivision from the Town using an MZO (or other order by the Minister). This authority also allows the Minister to set conditions and require the landowner to enter into an agreement (such as a subdivision agreement) before a plan of subdivision can be registered with the Land Registry Office.

Comments to the Province: The Town strives to work co-operatively with the Province. To that end, the Town can be helpful in assisting the Minister in establishing conditions for zoning and subdivision approvals where those are implemented through a Minister's Zoning Order. The Town offers caution in the use of MZOs by the Minister without the benefit of understanding local context.

Similarly, reducing a municipality's autonomy in decision-making means that local Councils cannot respond to local issues and tailor results to a community's needs. The provincial government has done well to establish its broad goals to address the housing crisis – which Oakville generally supports. It is now up to municipalities to meet those goals in ways that support their individual constituencies through local planning decisions, without cumbersome Provincial involvement.

Proposed Regulations – Complete Application (ERO # 025-0462)
Commenting period: May 12, 2025 - June 26, 2025

Summary of Proposed Changes:

- Allow the Minister of Municipal Affairs and Housing to decide which studies can or cannot be requested in support of a *Planning Act* application, and which types of certified professionals must be accepted to complete these studies and materials for:
    - Official Plan Amendments
    - Zoning By-law Amendments
    - Site Plan Control
    - Plans of Subdivision

  - Consents (severances)
- Removing the ability for a municipality to require the following topics/studies as part of a complete planning application:
  - Sun/Shadow Studies: Impacts of shadows cast by new developments.
  - Wind Studies: Effects of new buildings on wind conditions in the surrounding area.
  - Urban Design Reports: How the project aligns with local urban design guidelines or policies.
  - Lighting Details: Information on site lighting, including fixture types and light levels.

Provincial Rationale: The proposed changes aim to create more consistent and predictable requirements for planning applications across Ontario. By streamlining and simplifying the planning process, the goal is to reduce delays, bureaucracy and red tape and make it easier and faster to approve new developments and infrastructure.

Comments to the Province: New development in the Town of Oakville is guided by the Official Plan which espouses compact, pedestrian-friendly, and transit-oriented communities. Achieving this vision requires collaboration among a diverse group of experts to ensure that growth is thoughtfully managed and does not negatively affect existing residents, businesses, or the town's natural and cultural heritage.

To ensure that development implements the Official Plan and adheres to Town policy, a range of technical reports and studies are often required in support of a planning application. The preparation of these materials necessitates professional expertise.

The Town's Official Plan includes a comprehensive list of reports, studies and plans that can be required. It is standard practice to use the "pre-consultation process" to be scope submission requirements to only what is necessary to address the proposal, local context, and response to Town requirements. The Town also has established *Terms of Reference* to assist proponents in the preparation of these studies. This overall process was recently updated, and approved by the Ontario Land Tribunal, in response to changes mandated through Bill 109 just a few years ago.

Based on staff's experience, this process has been functioning effectively. There have been no recent appeals resulting from disputes associated with complete application requirements.

The proposed changes which would eliminate specific studies and assessments, have the potential to compromise the Town's ability to ensure new development is compatible with existing communities. Studies for sun/shadow, wind, lighting

impacts, and urban design compatibility provides insights into how a development may affect surrounding properties, public spaces, and the overall character of a neighbourhood.

Without this information, municipalities may be reviewing development proposals without a complete understanding of any adverse effects. A one-size-fits-all approach may expedite approvals in the short term, but it risks poor planning outcomes and long-term consequences that will be challenging to rectify later.

Province's "Request for Thoughts" – Complete Application and Certified Professionals

Provincial request for thoughts on:

1. What topics or studies should be identified as being permitted to be required by municipalities as part of a complete application?
2. Which certified professionals (e.g. professional engineers) should be included in the list of professionals whose reports/studies would be required to be accepted as final submissions by a municipality as part of a complete planning application

Comments to the Province: From a land use urban planning perspective, it is essential that municipalities retain the authority to require a range of studies as part of a complete planning application. These studies provide the technical, environmental, and design-based evidence necessary to properly evaluate proposals, ensure developments are safe and contextually appropriate, and support informed decision-making. Retaining these tools is critical to upholding good planning principles and protecting the broader public interest.

1. What topics or studies should be identified as being permitted to be required by municipalities as part of a complete application?

For a detailed list of studies that should be permitted as part of a complete application, please refer to **Appendix C**.

There is merit in considering the scope and timing of when specific reports are required, depending on the type and scale of a planning application. Not all reports are needed at every stage of the planning process, and requiring all studies upfront can place undue burdens on applicants and delay early-stage review. This scoping is addressed through the pre-consultation process, where the municipality and applicant come to a mutual agreement on the studies necessary to properly evaluate a proposal. Maintaining the autonomy to work with applicants on identifying necessary studies is important for Council decision-making.

2. Which certified professionals (e.g. professional engineers) should be included in the list of professionals whose reports/studies would be required to be accepted as final submissions by a municipality as part of a complete planning application?

It is unclear the Province's intent with this proposed change – whether it means staff cannot review a study for accuracy prior to deeming an application complete, or if a final study, where certified, cannot be reviewed as part of the application at all.

If it is the former, Staff processes a complete application upon receipt without reviewing the submission prior to circulation to ensure the review process commences immediately in order to meet legislative timelines.

If it is the latter intent of the Province, it is staff's opinion that the premise of mandating automatic acceptance of final reports may ultimately be detrimental to the broader public interest. While the inclusion of a professional seal (e.g., from a Professional Engineer or Registered Professional Planner) demonstrates competence and accountability, it does not guarantee that submissions are complete, accurate, or appropriate in every instance. This is supported by numerous Ontario Land Tribunal decisions, where further clarification, refinement, or correction of professional reports has been necessary.

It is through the review process that issues such as downstream flooding, threats to public health, unsafe transportation designs, and adverse effects on cultural and natural heritage are identified and rectified. This due diligence not only safeguards the public interest but also aligns with the intent and direction of the Provincial Planning Statement (PPS).

While the intent of the proposed change could result in quicker approvals, it would undermine local accountability, erode public trust, and could jeopardize the quality and suitability of development outcomes.

In its totality, this regulation is not necessary. Municipalities already have the discretion to assess specialized reports prepared by qualified professionals without requiring peer review, where appropriate. Municipal review is neither duplicative nor redundant—it is a critical function that upholds professional accountability, supports balanced decision-making, protects the public interest, and ensures the delivery of well-planned, sustainable housing that is co-ordinated with infrastructure.

Proposed Regulation– As-of-Right Variations from Setback Requirements (ERO #025-0463)
Commenting period: May 12, 2025 - June 26, 2025

Summary of Proposed Changes – Minor Variances:

- Introducing a regulation to permit "as-of-right" variations of up to 10% from setback requirements on specified lands. For example, a required 5 m front yard setback could be reduced to 4.5 m without needing a minor variance or zoning by-law amendment.
- The changes would complement Ontario Regulation 299/19 by further reducing barriers to creating additional residential units, such as basement apartments.

Provincial Rationale: To streamline the planning process by reducing the number of applications and public hearings for minor variances, enabling faster approvals for small zoning deviations. The government is also seeking feedback on the proposed regulation and potential expansion of "as-of-right" flexibility to other zoning standards, such as building height and lot coverage.

Comments to the Province: The Town's Zoning By-law has evolved in response to the evolution of house design and orientation on properties. Oakville is now finalizing broad residential amendments designed to improve efficiency, ease of use, and support for development by reducing barriers.

The most effective way to streamline the approval process is to have predictable parameters for development applications. Compliance with in-effect zoning regulations is preferred, but not in every circumstance can zoning regulations address the evolution of development patterns.

Should the Province choose to move toward an as-of-right approach for variances, it should be part of a thorough by-law review, ensuring changes align with other municipal policies and standards. For example, side yard setbacks are often established to provide access to rear yards and ensure proper drainage and enable fire protection. Reducing setbacks without proper evaluation could restrict access for dwelling unit entrances or cause drainage issues for neighbouring properties, potentially causing unforeseen complications.

While the proposed amendments aim to expedite building processes, Oakville already employs best practices by facilitating a process that allows minor variance applications to achieve a decision within four to six weeks from submission.

Oakville also offers a voluntary pre-consultation service designed to support applicants in navigating the application process more efficiently. This allows applicants to confirm the scope of their applications, resolving potential issues early. This proactive approach contributes to a smoother process with fewer deferrals or denials.

In staff's opinion, a one-size-fits-all approach is inappropriate. Municipalities like Oakville, have made substantial efforts to maintain a modern and relevant Zoning By-law and have achieved an efficient Committee of Adjustment process. Therefore, if enacted, the Town should be exempt from the proposed 10% as-of-right reductions to minimum setback.

Furthermore, based on staff experience, it is uncommon for an applicant to only apply for a 10% reduction to minimum setbacks. The result of reducing as-of-right minimum setbacks, as proposed, will exonerate proponents from evaluating the implications of reduced setbacks.

Additional detail for each reduction to the minimum standards follows.

Front & Rear Yard Minimum Setbacks:

Allowing "as-of-right" variations of up to 10% for front and rear yard setbacks may be appropriate for larger properties, as these typically have more design flexibility and less impact on neighbouring properties. In newer greenfield developments though, allowing an "as-of-right" variation of up to 10% can be problematic. Many current house designs maximize building footprints on smaller properties, and municipalities often rely on landscaped areas to manage stormwater, either by directing it toward natural features or allowing it to infiltrate into the ground. Permitting a 10% as-of-right increase in setback reductions could compromise these drainage and infiltration functions, potentially causing negative impacts on neighbouring properties or downstream areas.

In addition, a decrease in front yard may not practically allow the minimum length needed for a parking space.

Side Yard Minimum Setbacks:

Applying an "as-of-right" reduction to side yard setbacks, without site-specific review, raises concerns. Side yards serve critical functions as they provide access for emergency services, ensure fire safety by separating structures, and accommodate essential drainage and utility infrastructure. Arbitrary reductions to these setbacks can increase the risk of property damage due to inadequate drainage and restrict access for both maintenance and emergency response.

An "as-of-right" reduction of 10% that may result in a 0.6 metres setback or less is especially problematic. At this width, the building wall must be fire-rated, and windows are prohibited. Moreover, a minimum setback of 0.9 metres is required to allow access to side entrances for Additional Residential Units (ADUs), which was a clear direction with previous Provincial legislation. By permitting a 10% "as-of-right"

reduction in side yard setbacks, the Province risks directly undermining its own objectives.

Province's "Request for Thoughts" – Other opportunities to allow variations "as-of-right" for additional performance standards (e.g. height, lot coverage).

Height:

Having slight differences in building heights – specifically in areas of shorter built form – is acceptable within a constrained range. In such cases, these are carefully reviewed to ensure compatibility with the surrounding neighbourhood.

Lot Coverage:

Allowing increased lot coverage "as-of-right" raises significant concerns, particularly related to drainage and water runoff. Larger building footprints reduce the amount of permeable surface, which can lead to increased runoff and exacerbate flooding on neighbouring properties and across the broader area.

The Province recently passed legislation which overrides local zoning regulations where there are increased coverage permissions for additional dwelling units. The challenge with this provision is while it allows for a more expansive built form, there is no ability to enforce the delivery of up to three dwelling units within the development.

Proposed Amendment to O. Reg 232/18: Inclusionary Zoning (ERO #019-6173)
Decision: May 12, 2025

Decision summary: Changes were made to O.Reg.232/18 – Inclusionary Zoning under the *Planning Act* to place a maximum 25-year period for which inclusionary zoning units must be maintained as affordable, and a 5% cap on the number or floor area of residential units that can be set aside as inclusionary zoning units.

Background
In October of 2022, the Province proposed changes to the Inclusionary Zoning regulation (O. Reg. 232/17). The comment period for this proposal was from October 25, 2022 - December 9, 2022). The Province received 98 comments from individuals, municipalities, residents' associations, professional associations and the development industry. These included comments from the Association of Municipalities of Ontario and Halton Region on behalf of the Town of Oakville, among other municipalities of Ontario and Halton Region, respectively.

In March 2024, Oakville Council directed staff to investigate and, if deemed appropriate, enable the use of Inclusionary Zoning (IZ) within Oakville's Protected

Major Transit Station Areas. Where IZ is enabled and inclusionary zoning provisions are passed in a by-law (i.e., the zoning by-law or community planning permit by-law), the Town would require the provision of affordable units within new development.

In the fall of 2024, the Town commenced its work on preparing a Housing Needs Assessment and undertaking the required assessment in accordance with O. Reg. 232/18 to determine the appropriate IZ policy framework to meet Oakville housing needs while also ensuring development viability. The preliminary Housing Needs Assessment provides information and analysis regarding the Town's current and forecasted housing needs and supply, and identifies gaps accordingly. The forthcoming final Housing Needs Assessment would include the Inclusionary Zoning analysis and policy recommendations should the Town determine that IZ is still a tool that would help to address housing gaps within Oakville's PMTSAs (currently limited to Midtown Oakville and Bronte GO).

Town Considerations: The effect of the changes to O. Reg. 232/18 is that it has set caps in terms of how many units can be required to be affordable and for how long the units are required to be affordable, which were previously decisions that Council would be required to make when adopting official plan policies to enable the use of IZ. At 5% cap of total units or residential GFA, the IZ framework has a nominal impact on development and the provision of affordable housing. Preliminary analysis notes that a 5% set aside is viable for most development, without the need for complementary incentives from the Town. A 25-year cap for the affordability period, however, does mean that the provision of affordable housing is only temporary, and the Town could be in a situation where it is losing affordable housing faster than it is gaining them in the long term. This is occurring in the City of Toronto, for example, where short-term timeframes have been imposed on affordable housing units created through historic Section 37 agreements. To ensure that future IZ units remain affordable over a longer time period, the Town would need to enter into agreements with the developer that stem from a development permit and/or community improvement plan incentive.

Schedule 8 – *Transit-Oriented Communities Act*, 2020 (ERO #025-0504)

Summary of Proposed Changes:

- Changes the Minister responsible for administering the TOC Act from the Ministry of Municipal Affairs and Housing (MMAH) to the Minister of Infrastructure. This would align the decision-making authority of the TOC Act with the Minister accountable for the TOC Program.

- Changes the definition of Transit-Oriented Communities. The new definition would now include projects on the GO transit and LRT lines and enable the designation of TOC lands to apply more broadly.

- Allows the Ministry or its designate to enter into agreements to implement TOCs without needing an Order in Council to do so.

Comments to the Province: For detailed feedback on the broader definition of "provincial transit project", please refer to comments provided relevant to Schedule 2.

Bill 5 - *Protect Ontario by Unleashing our Economy Act*, 2025

On April 17, 2025, introduced Bill 5 - *Protect Ontario by Unleashing our Economy Act,* 2025 was introduced, and currently sits in Second Read. The Bill proposes a suite of legislative reforms intended to stimulate economic growth and streamline development processes across Ontario. It includes 10 schedules that either amend or introduce new legislation in areas such as energy procurement, species protection, land development, and procurement regulation.

Schedule 1 - *Electricity Act*, 1998
Schedule 2 - *Endangered Species Act*, 2007
Schedule 3 - *Environmental Assessment Act*
Schedule 4 - *Environmental Protection Act*
Schedule 5 - *Mining Act*
Schedule 6 - *Ontario Energy Board Act*, 1998
Schedule 7 - *Ontario Heritage Act*
Schedule 8 - *Rebuilding Ontario Place A*ct, 2023
Schedule 9 - *Special Economic Zones Act*, 2025
Schedule 10 - *Species Conservation Act*, 2025

While the stated intent of the Bill is to enable faster and more efficient delivery of critical infrastructure and housing, Town staff has identified several schedules that may have significant implications for municipal responsibilities, particularly as they relate to environmental protection, land use planning, and species at risk by:

- Expediting provincial permitting processes for mining and infrastructure projects.
- Reducing environmental assessment obligations and protections for ecologically sensitive areas and species.

- Circumventing consultation requirements with Indigenous communities.
- Restricting foreign investment in Ontario's energy sector.
- Replacing the *Endangered Species Act* with the *Species Conservation Act, 2025*, which has implications to species at risk and their habitats.
- Establishing Special Economic Zones that override municipal plans, policies, and by-laws.

Summary of Proposed Provincial Amendments and Staff Comments

The Town's Official Plan has been prepared in accordance with provincial requirements and serves as the main planning document for the Town. The Official Plan is founded on the urban structure which aims to protect natural heritage, open space and cultural heritage; maintain established areas; and direct development to strategic growth areas and intensification corridors supported by public transit.

Natural heritage protection is a key foundation of the Official Plan, one that Bill 5 threatens by weakening or deregulating several existing environmental protections. Detailed staff comments on the proposed amendments are provided in Appendices A and B.

Schedule 1 - *Electricity Act*, 1998

Summary of Proposed Changes:

- New directives may now allow the imposition of requirements or restrictions in procurement based on the origin of goods or services.
- These directives would apply to the Independent Electricity System Operator, Ontario Power Generation and/or subsidiaries.
- Through these requirements, other countries may become ineligible to undertake activities related to the province's electrical system.

Comments to the Province:

Broad access to renewable energy equipment is not readily available. As an example, China produces most of the solar panels, wind turbines, and control systems used in renewable energy production. This includes equipment in Oakville used by the municipality, utility companies and private entities. Singling out goods coming from China may restrict renewable projects until alternative local sources are developed.

These restrictions would impact district and renewable energy projects in Oakville and, in turn, negatively affect the Town's greenhouse gas reduction efforts.

Schedule 2 - *Endangered Species Act*, 2007

Summary of Proposed Changes:

- This act is amended in the interim and then will be replaced by the *Species Conservation Act*, 2025.
- Mandatory regulations and requirements of the act applying to species at risk would now be at the discretion of the Lieutenant Governor in Council.
- Greater flexibility is provided for issuing permits.
- The definition of habitat would be narrowed to include only specific dwelling places essential for breeding, rearing, staging, wintering, or hibernation. Broader survival areas are not included.
- Some enforcement powers and administrative requirements are eliminated.
- The Species Conservation Action Agency would be wound up with assets transferred to the Crown.

Comments to the Province:

The Auditor General of Ontario found that the number of species at risk in Ontario increased from 2009-2020 by 22%. On-going biodiversity loss will impact the value and function of essential ecosystem services that contribute to resource production, drinking water protection, natural hazard safety, and ecosystem health. In Halton alone, these services are worth an estimated $731 million per year.

The proposed changes in Schedule 2 would significantly alter Ontario's framework for protecting species at risk by replacing the *Endangered Species Act* with the *Species Conservation Act*, 2025. This shift introduces several provisions with direct implications for Oakville (**Appendix A**). The implications from the legislation changes are broad:

- It will undermine the Town's ability to proactively protect natural areas and species within its jurisdiction. It also jeopardizes long-term biodiversity goals outlined in the *Oakville Strategy for Biodiversity (OSB)*.
- Key areas that are currently protected by the Town's Official Plan may lose their designation, limiting the Town's ability to enforce protections. This change would also disrupt current local recovery projects involving partnerships with Conservation Authorities.
- Reduced scientific integrity of biodiversity assessments, affecting how the town designates and safeguards critical habitats.
- The Town may be forced to accommodate development without sufficient off-setting measures, placing added pressure on remaining natural heritage areas.
- Introducing further reform without reviewing past impacts may worsen biodiversity outcomes locally and provincially.

Staff have concerns that the effects of previous amendments to the *Endangered Species Act* have not been reviewed and that the proposed changes associated with Bill 5 are premature. These new changes may have the effect of further lessening protection for species and adding to the continued decline of biodiversity in Oakville and on the broader landscape.

Schedule 3 - *Environmental Assessment Act*

Summary of Proposed Changes:

- Agreement regarding the Eagle's Nest mining project is terminated.
- Specific activities at the Chatham-Kent waste site are exempt from Part II.3 Projects in the act.

Comments to the Province:
Staff has not identified concerns with this section of the proposed legislation.

Schedule 4 - *Environmental Protection Act*

Summary of Proposed Changes:

- Repeal fees with respect to Environmental Activity and Sector Registry.

Comments to the Province:
Staff have not identified concerns with this section of the proposed legislation.

Schedule 5 - *Mining Act*

Summary of Proposed Changes:

- The purpose of act now includes alignment with protection of Ontario's economy.
- Minister gains power to suspend mining lands administration for national mineral supply chain protection.
- New integrated permitting team authorized for designated mining projects.
- Legal actions related to these changes are barred.

Comments to the Province:
Staff have not identified concerns with this section of the proposed legislation.

Schedule 6 - *Ontario Energy Board Act*, 1998

Summary of Proposed Changes:

- Procurement restrictions imposed on gas and energy companies based on the origin of goods/services.
- Legal immunity provisions like those in the *Electricity Act*.

Comments to the Province:
Staff has not identified concerns with this section of the proposed legislation.

Schedule 7 - *Ontario Heritage Act*

Summary of Proposed Changes:
- Expanded powers for artifact/archaeological site inspections and seizures.
- Minister may exempt properties from archaeological assessment requirements.
- Legal actions are barred in relation to these new powers.
- Investigation and enforcement capabilities expanded, including warrants and orders.

Comments to the Province:
Archaeological assessments are an essential step in the land use planning process and are integral to Indigenous self-determination. Truth and Reconciliation and archaeology are intertwined concepts. Archaeology can offer a tangible connection to Indigenous history, culture, and connection to the land, which is crucial for reconciliation efforts. Indigenous monitors are required to be on-site for Stage 3 and 4 archaeological assessments according to the Province's Standards and Guidelines for Consultant Archaeologists (2011). This process is crucial for reconciliation efforts, which should not only be a municipal priority, but a provincial one as well.

The proposed amendment's provincial priorities are vague. If development can go forward without requiring an archaeological assessment in areas of archaeological potential under the Town's (once the Region's) Archaeological Management Plan, it could:

- Cause lasting damage with Indigenous communities.
- Ignore our provincial and municipal responsibilities to Truth and Reconciliation.
- Cause more sites, burials, and artifacts to be found out of context and potentially damaged during the work as opposed to before, which was a protective framework.
- Allow for portions of Oakville's physical history to go unrecorded and unknown.

Staff recommends changes to the proposed amendment regarding archaeological assessment exemption. Staff are of the opinion that, due to the early nature of archaeological assessments in development projects, which are conducted before any other required work for permits, they neither slow nor inhibit development of provincial priorities. The importance of archaeological assessments and Indigenous participation is a government responsibility for Truth and Reconciliation. Indigenous engagement outweighs the need for accelerated development timelines (Appendix B).

Schedule 8 - *Rebuilding Ontario Place Act*, 2023

Summary of Proposed Changes:

- Environmental Bill of Rights, 1993 does not apply to instruments related to the Ontario Place Redevelopment Project.

Comments to the Province:

This schedule exempts the Therme Group from the requirements of the Environmental Bill of Rights.

Schedule 9 - *Special Economic Zones Act*, 2025

Summary of Proposed Changes:

- Enables designation of Special Economic Zones (SEZ) and trusted proponents/projects.
- Projects in these zones may be exempted from or subject to modified legal and regulatory requirements.
- Legal protection and extinguishment of related causes of action.
- This act empowers the provincial government, Lieutenant Governor in Council, to designate specific geographic areas as SEZ through regulation, which would allow trusted proponents (designated by the Minister) to be exempt from permitting and regulation.
- This power also includes exemption or modifications from by-laws or other instruments of a municipality or local board meaning the town would not be able to legally challenge decisions made in the SEZ.

Comments to the Province:

This tool is intended to be used within the Ring of Fire in the James Bay Lowlands of Northern Ontario. Even though much of this area is not covered by municipal by-laws, the proposed changes are explicitly included in the new provisions.

Staff is concerned that these new powers could be used in other areas, like Oakville, to overrule zoning, diminish natural environment and biodiversity protections, dilute transit supportive development and affect long-term municipal planning.

Staff is also concerned that the creation of SEZ in select areas of the province may create a landscape of competitive advantages versus disadvantages. This creates a risk of uneven development and economic areas that are disconnected from local economies.

Oakville's planning efforts, including intensification targets, transit-oriented development, and natural heritage preservation could be compromised by unilateral decisions made by the province or its delegated proponents. This undermines local

democracy and the Town's ability to uphold community interests, climate commitments, and complete community design standards. Any Ontario municipality may be exposed to unanticipated development that by-passes environmental, cultural, and infrastructure planning frameworks, with long-term consequences for livability and resilience.

Schedule 10 - *Species Conservation Act*, 2025

Summary of Proposed Changes:

- Replaces the Endangered Species Act, 2007.
- Continues the Committee on the Status of Species at Risk in Ontario's role in species classification.
- Restricts harmful activities unless permitted or registered.
- Introduces a new conservation registry and compliance mechanisms.
- Powers to enforce, suspend, or revoke permits are clarified and strengthened.

Comments to the Province:

The proposed *Species Conservation Act* introduces a registration-first approach to projects that may impact species at risk and will now only require registration with the Ministry of the Environment, Conservation and Parks (MECP) whereas previously it required a permit.

Staff are concerned that this new process may permit harmful works to proceed within Oakville. This could occur immediately after registering and without an understanding of the negative impacts it may have on species, biodiversity, environment or people. If provincial protections are removed, and federal oversight is limited or reactive, critical habitats may be lost or degraded before any enforcement action is taken.

While promoting voluntary conservation through habitat restoration is well-intentioned, it is not a substitute for enforceable protections. Reliance on voluntary measures may result in inconsistent application and limited effectiveness, particularly in rapidly urbanising contexts like Oakville.

Request for Continued Dialogue

Bill 5 introduces sweeping changes that shift the balance toward economic expediency at the potential cost of environmental protection and municipal autonomy. Staff recognise the importance of accelerating housing and infrastructure delivery; however, these goals should be pursued without compromising long-term sustainability, biodiversity, and community planning objectives.

The Town of Oakville is committed to responsible growth management, environmental protection, and sustainable community development. Bill 5 proposes significant changes that challenge these commitments. While economic development is a shared priority, it should not come at the expense of biodiversity, municipal planning authority, or transparent governance.

Staff request that the Province:

- Defer implementation of Schedule 2 and 10 changes pending a review of past ESA amendments.
- Preserve the role of science-based decision-making in species classification.
- Retains municipal authority over planning and environmental protection, particularly regarding SEZs.
- Re-establish robust protections and recovery strategies for species at risk.
- Ensures full and transparent consultation with municipalities before enacting policies that impact local ecosystems and governance.

The Town of Oakville remains intent on collaborative governance and urges the Province to maintain open dialogue with municipalities. On-going consultation is essential to ensure that local strategies and Official Plans remain effective and aligned with provincial priorities.

NEXT STEPS

Submission of Comments

The Town has submitted comments on Bill 5 prior to the province's deadline. Comments relative to Bill 17 will be submitted by the specific Environmental Registry posting deadline, in alignment with the comments identified in this report.

Report Circulation

A copy of this report will be forwarded by the Town Clerk to the Minister of Municipal Affairs and Housing, Halton-area MPPs, Halton Region, the City of Burlington, the Town of Halton Hills, the Town of Milton, Conservation Halton, and Credit Valley Conservation and posted to the town's web-site.

CONSIDERATIONS

(A) PUBLIC

The public may provide comments on Bill 17, including matters and regulations discussed in this report, through the related postings on the Environmental Registry of Ontario (ERO) website (https://ero.ontario.ca/) and Ontario's Regulatory Registry (ORR) website: https://www.ontariocanada.com/registry.

(B) FINANCIAL

There are no financial implications arising from the recommendations in this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

This report was prepared by staff from multiple departments.

(D) COUNCIL STRATEGIC PRIORITIES

This report addresses Council's strategic priority of Accountable Government by maintaining awareness of provincial initiatives that will affect the Town and preparing relevant and timely responses in relation to those initiatives, which are available to the public in an open and transparent manner.

(E) CLIMATE CHANGE/ACTION

The recommendations in this report speak to high-level issues and processes being proposed by the Province of Ontario. The implications of these changes on Town's declaration of a climate emergency are not yet known.

CONCLUSION

On May 12, 2025, the province released several legislative, regulatory and policy initiatives in support of its on-going mission to increase the supply of housing. Staff has provided an overview of the initiatives along with a preliminary assessment of how those initiatives may affect the Town. The comments provided by staff respecting the proposed changes will be provided to the Province prior to the deadlines.

Prepared & Recommended by:

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Submitted by:

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