



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Trena DeBruijn and Robin Prentice
Position: Treasurer/Director of Finance & Director of Development Services
Title / Subject: Proposed Bill 17, Protect Ontario by Building Faster and Smarter Act (2025)
Date of Report: May 27, 2025
Date of Meeting: June 9, 2025
Report No: 2025-FI-024

1.0 Issue / Origin

On May 12, 2025, the Province released Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025. The purpose of this report is to provide an update to Council as to the proposed changes and how they may impact the Township of Brock and comments from Township staff.

2.0 Background

[Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025](#), was posted on the Environmental Registry of Ontario's (ERO) website with comments requested by June 11, 2025. The stated goal of Bill 17 is to increase certainty throughout the development approvals process, streamline processes further to help reduce barriers, and reduce development costs. The proposed legislation includes various amendments to numerous Acts, including the Planning Act, the Development Charges Act, and the Building Code Act, among others.

The Province also released two regulations for feedback as outlined below, as well as several items for future consultation through a [Ministry technical briefing](#):

- [ERO 025-0462](#) Proposed Regulation – Reducing the number and type of studies for Complete Applications
- [ERO 025-0463](#) Proposed Regulation– As-of-right Variations from Setback Requirements

3.0 Analysis

A summary of the proposed amendments to the Planning Act, Building Code Act and Development Charges Act under Bill 17 and associated regulations, along with Township staff's comments are outlined below.

General Comments

Staff recognize the need to address the housing crisis in Ontario and generally support the provincial efforts to improve housing supply and affordability. However, local implementation must remain practical and responsive to community needs. 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.

Limit Complete Application Requirements and Peer Reviews

Bill 17 would limit complete application requirements to those studies currently identified in a municipality's Official Plan. Any new or revised requirements outlined in the Official Plan would have to be approved by the Ministry of Municipal Affairs and Housing.

- **Staff Comment:** At a high level, staff support listing potential studies necessary for a complete application in the Official Plan but would note that the Township's Official Plan should be reviewed to ensure a fulsome list of plans and studies are included. Attachment 1 contains a list of potential studies as currently outlined the Envision Durham and Township Official Plans.

The Province is proposing to require municipalities to accept studies from a provincially specified list of certified professionals, as well as the authority that would enable the Minister of Municipal Affairs and Housing to reduce the number and type of studies comprising a complete application.

- **Staff Comment:** It is unclear what the Province's intent is with respect to the proposed change regarding accepting studies from a provincially specified list of certified professionals.
 - If it means staff cannot review a study for accuracy and quality information prior to deeming an application complete - this will not really impact the Township's process as staff deem applications complete based upon receipt of the materials without fully reviewing the submission in order to meet the legislative timelines for deeming an application complete and to start the review process quicker. It is important to note that the submission of poor-quality materials with incorrect or missing information will delay the application process overall though as the applicant will need to provide the information and address agency comments as part of a resubmission.
 - Staff strongly oppose if it is the intent of the Province to take away a municipality's ability to review any studies that are submitted just because they are completed by certified professionals as specified by the Province. The premise of mandating automatic acceptance of reports may ultimately be detrimental to the broader public interest. While the inclusion of a professional seal (e.g., Professional Engineer or Registered Professional Planner) demonstrates competence and accountability, it does not guarantee that submissions are complete, accurate, or appropriately account for local circumstances. This is supported by numerous Ontario Land Tribunal decisions, where further clarification, refinement, or correction of professional reports has been necessary.

- While this would result in quicker approvals, it would undermine local accountability and could jeopardize the quality and suitability of development outcomes and create long-term issues for municipalities that may have to assume such developments.
- Municipal review of submitted studies is neither duplicative nor redundant—it is a critical function that upholds professional accountability, supports balanced decision-making, and protects the public interest.
- **Staff Comment:** It is also important to note that smaller municipalities, like the Township of Brock, do not have all required expertise on staff and therefore, rely on third party consultants to assist in the Township's review of applications and supporting materials.
- **Staff Comment:** Staff do not support the proposal that the Township should accept and implement studies from certified professionals without review and oversight by appropriate municipal staff, peer review consultants where required, and/or outside agencies. Submission of a study by a certified professional does not automatically ensure that the document is without error. Part of the oversight conducted by the municipal review of an application is to identify any factual and contextual errors or omissions that may occur in a study.
 - This would place Council in a position of relying and making decisions on studies even if the information they contain is identified by staff as being inaccurate or incomplete. It is unclear who would bear liability (the certified professional or municipality) for decisions made in these circumstances. This could also lead to Council denying more applications. The inevitable resubmissions or appeals may be more costly and longer than the existing review process.

As proposed in the draft regulation, municipalities would no longer be permitted to require the following studies as part of a complete planning application:

- Sun/Shadow: Reviews the impact of shadows cast by new developments and potential impacts on neighbouring properties.
- Wind: Reviews the effects of new buildings on wind conditions in the surrounding area.
- Urban Design: How the project aligns with local urban design policies or guidelines to ensure it fits well within its surrounding context.
- Lighting: Provides information on site lighting, including fixture types and light levels and helps to identify potential impacts on neighbouring properties.
- **Staff Comment:** Staff request clarification from the Province as to whether the specific studies listed in the proposed regulation would only be removed from the list of potential studies requested for a complete application and municipalities would maintain the ability to request such studies later in the application process. It's not clear whether a municipality would have authority after complete application to require such studies through discussions with a proponent, or would municipalities not be able to request the noted studies at all throughout the entire application review process? While certain studies may not be required as part of an initial complete application, municipalities may sometimes require them as conditions of approval for subdivisions, consents, or site plan applications.
- **Staff Comment:** Staff would not support a proposal to restrict a municipality's ability to request specific studies at any point in the application review process. Eliminating the ability to request specific studies has the potential to compromise the Township's ability to ensure new development is compatible with existing communities. Without certain 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.

- **Staff Comment:** From a land use urban planning perspective, it is important that municipalities retain the ability to require a range of studies as part of a complete planning application. These studies provide information necessary to properly evaluate proposals, ensure developments are safe and compatible, and support informed decision-making, which helps to uphold good planning principles and protect the broader public interest.
- **Staff Comment:** If municipalities are no longer permitted to request these studies from developers, and they are deemed necessary to undertake a thorough review of the applications, the Township may need to contract these studies at the municipality's expense.

Permit Schools In Urban Residential Areas

Bill 17 proposes to exempt the placement of all portable classrooms at school sites from site plan control. Currently, schools built prior to January 1, 2007, are exempt from site plan control when adding a portable classroom. The proposed change would extend the exemption to all school sites regardless of their construction date, so adding portables to a school site would not require site plan approval, just a building permit.

The Province is also proposing to amend the Planning Act to provide that official plans and zoning by-laws may not prohibit the use of a parcel of urban residential land for a school or any ancillary uses (such as childcare). This would allow an elementary or high school and ancillary uses (such as associated childcare) as-of-right on any urban land zoned for residential uses.

- **Staff Comment:** Staff support the proposed removal of site plan control for school portables. Portables would still require building permits and school boards should plan school sites accordingly to ensure portables will not impact on-site drainage or parking.
- **Staff Comment:** Staff also support allowing new schools "as-of-right" on urban land zoned for residential uses, as long as the site is of adequate size.

Minister's Zoning Orders (MZO)

Bill 17 proposes to give the Minister of Municipal Affairs and Housing the authority to impose conditions that must be met before a use permitted by a MZO comes into effect. The proposed amendments permit the Minister to require the landowner to enter into an agreement with the Minister or municipality relating to the condition, which may be registered on title. These amendments are intended to ensure that developments approved through a MZO will continue to meet provincial and other land use planning objectives and requirements.

- **Staff Comment:** It is not clear what conditions are being considered (i.e. conditions related to the phasing of development, completion of required studies, or the provision of infrastructure). At a high level, staff support these changes, but more information is needed as to the nature of conditions that may be imposed in order for staff to fully understand the implications of these proposed changes.
- **Staff Comment:** Township staff continue to caution the use of MZOs by the Minister without the benefit of understanding local context. However, municipal staff could assist the Minister in establishing conditions for approvals implemented through a MZO.

As-of-right Setback Variations

Under the current regulations in the Planning Act, a zoning by-law outlines specific provisions that are required to be met, including minimum setbacks (i.e. the minimum distance a building or structure must be from a property line). The public can seek minor variances through the Committee of Adjustment where it is demonstrated that the site-specific circumstances warrant a minor modification to those provisions. The Province is proposing that variations to zoning by-law regulations be permitted “as-of- right” if a proposal is within a prescribed percentage of the required setback on specified lands.

This would mean that a minor variance application would not be necessary for proposals that otherwise comply with zoning by-laws but need variations from setback requirements no greater than the prescribed percentage. The proposed regulation outlines 10% as the proposed percentage. For example, a required 5 m front yard setback could be reduced to 4.5m without needing a minor variance or zoning by-law amendment.

The specified lands as proposed include parcels of urban residential lands outside of the Greenbelt Area, and exclude areas such as hazardous lands, and lands near shorelines and railways.

While it specifically refers to required setbacks, the ERO posting also requests comments on the application of “as-of-right” variations to additional performance standards (e.g., height, lot coverage).

- **Staff Comment:** Township staff do not support permitting setback variations “as-of-right”. Zoning setbacks are already designed to be minimum standards necessary to achieve responsible development in keeping with the Official Plan. These setbacks provide a consistent framework to guide developers and property owners on where development can occur. There is nothing that would prevent developers from planning their developments to meet the proposed new “as-of-right” setbacks as opposed to it be applied in site specific situations.
- **Staff Comment:** 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.
- **Staff Comment:** Potentially allowing increased lot coverage “as-of-right” raises 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.
- **Staff Comment:** Should the Province move forward with these proposed changes, Township staff would support the specified lands including urban residential lands outside of the Greenbelt Area as proposed. The urban residential lands within the Township fall within the Greenbelt Area and therefore, the Township would not be subject to these proposed changes.

Building Code Act

The proposed changes to the Building Code Act would remove the need for manufacturers to obtain secondary approval for use of innovative construction products/materials if such products/materials have been evaluated by the federal Canadian Construction Materials Centre (CCMC).

The Building Code Act is also proposed to be revised by removing the municipality's ability to pass by-laws in respect of demolition and construction of buildings. This would restrict a municipality's ability to

establish and request green building standards that exceed the minimum requirements of the Ontario Building Code and is intended to establish consistency across the province.

- **Staff Comment:** The proposed amendments to the Building Code Act will simplify approvals when innovative materials are proposed.
- **Staff Comment:** While the Township does not currently have approved green building standards, this would impact the Township's ability to implement such standards.

Development Charges (DC) Act

Four key amendments to the Development Charges Act (DC) would take effect upon Bill 17 receiving Royal Assent.

Exemption for Long-Term Care Homes

Both non-profit and for-profit long-term care homes would be exempt from paying DCs. This exemption is intended to encourage the construction of long-term care facilities in response to Ontario's aging population.

Streamlined DC By-law Amendment Process

Amending a DC By-law to remove or change indexing provisions or reduce DC rates for certain development types would no longer require an update to the DC Background Study or public consultation. Under Bill 17, municipalities would no longer be required to undertake a background study or hold a public meeting when amending a DC by-law, if the amendment solely:

- Decreases one or more DC rates;
- Repeals a provision to index DC's; or
- Amends an indexing provision that provides for a DC not to be indexed.

Deferral of Residential DCs to Occupancy

A major proposed change relates to the timing of DC payments for residential development. Typically, residential DCs are payable at building permit issuance (rental housing is an exception). Bill 17 proposes to delay the payment of DCs for all residential developments to occupancy, rather than at building permit issuance. This proposed legislation would require that the deferral apply without interest, but municipalities may be allowed to require a financial security to guarantee payment, with regulations to define the circumstances under which a security could be used. This amendment is intended to assist developers in managing cash flows by deferring DC payments until the project has achieved a stage of completion sufficient to generate revenue.

Permit Early Payment for Institutional, Rental Housing and Residential Developments

Institutional, rental housing and residential developments are currently subject to payment deferral process. Should an owner want to pay the DCs up front as part of the building permit, an agreement is required. Bill 17 proposes to permit the early payment of DCs without the need for an agreement.

- **Staff Comment:** This amendment would reduce the administrative burden by eliminating the need to execute and manage early payment agreements.

Lowest DC Rate

Currently, DC rates are frozen at the time of rezoning or site plan approval, provided building permits are issued within 18 months. Where DC rates are frozen, Bill 17 would require the DC amount payable to be the lesser rate of the frozen DC rate (include any accrued interest) or the DC rate in effect at the time of payment. This change is intended to prevent frozen DCs from being higher than current rates.

Some of the most far-reaching implications of Bill 17 may be implemented through future regulations. Bill 17 would grant the Minister authority to make regulations that:

Merge Services for DC Credit Purposes

This would permit the merging of service categories for the purposes of issuing DC credits.

- **Staff Comment:** While this could increase flexibility for developers - allowing credits to apply across multiple services - it also risks undermining a municipality's ability to pay for other unrelated capital works. A credit issued against multiple services could erode revenue available for infrastructure not directly connected to the credited work.

Limit Eligible Capital Costs

In 2023, the Province created authority to identify services for which land is an ineligible capital cost. Bill 17 proposes to expand this authority further, allowing the Minister to provide for exceptions - including conditional exceptions - to any capital costs otherwise eligible for DC funding, not just those related to land.

- **Staff Comment:** The potential to remove previously eligible capital costs is a concern. If DCs cannot be used to fund key infrastructure, municipalities may face financial shortfalls, which could lead to capital project delays and negatively affecting housing supply. This is especially problematic for municipalities relying on DCs for roads, transit, water and wastewater infrastructure, which typically account for 70% to 80% of DC revenues.
- **Staff Comment:** If the Province is focused on limiting the eligibility of land costs, it is important to emphasize that acquiring land is a fundamental first step in many capital projects. More broadly, the uncertainty introduced by this regulatory power could hamper municipal efforts to prepare accurate and predictable capital plans.

Define Local Services

Municipalities may require developers to fund or install "local services" as a condition or agreement to subdivide land. These services are not eligible for DC recovery. While the term "local services" is not currently defined in legislation, most DC background studies in Ontario establish clear definitions to guide both municipalities and developers and to avoid disputes. Bill 17 proposes to grant the Minister authority to define local services.

- **Staff Comment:** In discussions with the Township's DC consultant, Hemson welcomes a standardized approach, provided it reduces disputes, clarifies funding responsibilities, and allows municipalities to plan and build infrastructure consistent with local policies and community objectives.

In addition to the new regulatory powers noted above, the Minister has indicated an intent to use existing authority to pass regulations addressing the following matters:

Prescribe Benefit to Existing Methodology

The Minister has suggested that, following consultations with municipalities and the development industry, regulations may be introduced to prescribe criteria for determining the extent to which an infrastructure project benefits existing development.

Standardize DC Background Studies and Annual Report

To improve transparency and consistency in the DC framework, the Minister has indicated potential regulations that would:

- expand the current requirement to spend or allocate 60% of DC reserve funds annually to apply to all services;
- broaden the reporting requirements for annual Treasurers DC statements;
- standardize DC background studies; and
- improve public access to annual Treasurers statements.

4.0 Related Policies / Procedures

Official Plan

Zoning By-law 287-78-PL

Development Charges By-law 3274-2024

5.0 Financial / Budget Assessment

If the proposed policies are approved, Township staff will have to update the Township's policy planning documents, by-laws and processes accordingly.

While there are no immediate costs to the Township as a result of the proposed changes, the long-term financial implications are unknown at this time. The potential impact from proposed changes to development charges, will likely result in future costs to the Township unless the Province offers alternatives to make municipalities whole.

5.1 Asset Management

N/A

6.0 Climate Change Impacts

Long-term, comprehensive planning helps to address climate change impacts. Planning compact urban areas and protecting agricultural lands and environmental features supports the development of healthy and complete, sustainable communities, while efficiently using land and resources.

7.0 Communications

Bill 17 and associated regulations were posted on the ERO's website for public review and comment. No further public engagement is required on the Township's behalf at this time.

8.0 Conclusion

This report provides an overview of the proposed Bill 17 and associated regulations which have been released by the Province. Staff are seeking Council's authorization to submit this report as the Township's comments.

9.0 Recommendation

Be it resolved that Report FI-2025-024 regarding Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025, be received; and

That staff be authorized to submit this report to the Province as the Township of Brock's comments on Bill 17 and the associated regulations.