



## Information Memo

To: Council-In-Committee Meeting  
Date: June 12, 2025  
Division: Community Development  
Department: Planning  
Ward: All Wards  
Subject: CD-25-063 Overview of Bill 17, *Protecting Ontario by Building Faster and Smarter Act, 2025*

### Recommendation(s):

That the Information Memo CD-25-063 Overview of Bill 17, *Protecting Ontario by Building Faster and Smarter Act, 2025* be received as information.

### Background

On May 12, 2025, the Ontario Legislature tabled Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025* ("Bill 17"). The goal of this Bill is to simplify and streamline development in Ontario. Changes are proposed to the following Acts:

- *Development Charges Act, 1997*;
- *Building Transit Faster Act, 2020*;
- *City of Toronto Act, 2006*;
- *Metrolinx Act, 2011*;
- *Planning Act*, and;
- *Transit-oriented Communities Act, 2020*.

The intent of this information memo is to provide Council with a summary of the proposed changes. Comments may be submitted through the Environmental Registry of Ontario on all of the proposals.

This memo was prepared with reference to the publication from by Aird Berlis entitled "Bill 17 and the Push to Build: How Ontario Plans to Speed Up Development."

### Discussion:

The changes proposed by Bill 17 to the various Acts are summarized below.

#### ***Development Charges Act (DCA)***

- Long-Term Care Exemption - Any part of a building or structure that will be used as a long-term care home will be exempt from development charges (DCs).

- **DC By-law Amendment Change** - Currently, any amendment to a DC by-law requires the passing of an amending by-law. This is an involved process which includes the requirement for a background study, statutory public meeting, appeal rights, etc. In 2024, this requirement was changed such that the same rigorous process does not apply if the only effect of the amendment is to extend the expiry date of the DC by-law. Bill 17 proposes that the same exemption be made for an amendment to a DC by-law that repeals a provision providing for the indexing of a DC or amends such a provision to provide for a DC not to be indexed or decreases the amount of a DC that is payable for one or more types of development in the circumstances specified in the amendment.
- **Section 26.2 DC Installments** - The DCA requires that DCs for institutional and rental housing be paid in six equal instalments. Norfolk provides installment plans in accordance with the legislation through Policy GP-016. As per this policy, the County currently charges interest on the installment amount at a rate not to exceed the amount determined under 26.3 of the DCA or 5% (whichever is lower) in accordance with current legislated flexibilities. Bill 17 proposes that these instalments may be pre-paid at any time without an early payment agreement. It may also potentially prohibit a municipality from charging interest on instalments that come due after a yet-to-be-determined date. The DCA would continue to allow a municipality to charge interest on all DCs that are paid pursuant to rates frozen under the DCA, which leaves a gap in the legislation. It is assumed that the legislation will be further amended as it moves through further readings. Any changes to legislation regarding installments may require a future amendment to Policy GP-016.
- **DC Payment Dates** - DCs for all non-rental residential development are proposed to be payable upon occupancy of the building, or upon the issuance of an occupancy permit. These may be pre-paid at any time without requiring an early payment agreement. This would also require an amendment to Policy GP-016.
- **Section 26.1 Rate Freeze** - Section 26.2 of the DCA currently creates a DC freeze by providing that the total amount of a DC is the amount due under the DC by-law on the date that a complete zoning by-law amendment or site plan application is filed (whichever comes later). As permitted in legislation, Norfolk charges interest on the frozen DC at a maximum rate as determined by 23.6 of the DCA or 5% (whichever is lower) in accordance with Policy GP-017. This has resulted in a situation at times where the frozen DC exceeds the amount that would have otherwise been payable had the DC not been frozen, such as where the DC rate decreases after a site plan application has been filed. Bill 17 proposes an amendment to outline that the DC freeze does not apply if the total amount will exceed the amount that would be payable if the freeze had not applied. This would also require an amendment to Policy GP-017 should the proposed legislation be passed.
- **DC Credits** - DC credits that relate to a certain service can currently be used only with respect to the part of a DC that relates to the service. This can be limiting when a developer undertakes a large infrastructure project. The DCA is proposed to be amended to provide that, if two or more services are deemed to be one

service, a credit that relates to any of those services may be used against DCs charged under the larger service category. DC credits are a common element of front-end financing agreement between municipalities and developers. The County currently governs front end financing agreements through Policy GP-018. Should Bill 17 be passed as written, amendments to GP-018 would be required to align with current legislation.

- A new regulation-making authority is proposed to be added to allow the province to create regulations specifying what constitutes a local service. This will create uniformity across the province for a matter that is currently addressed in various manners. Any changes will impact the DC background study update currently underway. While there may be changes as a result to our current local servicing policy, it may be of benefit to have a standardized approach across the province for this item.

An analysis of the potential impacts of these proposed changes can be found below in the Financial Services Comments section of this memo.

#### ***Planning Act and City of Toronto Act, 2006***

- New provisions are proposed in both the *Planning Act* and *City of Toronto Act, 2006* that would state that certain required information provided as part of a development application are deemed to meet the applicable requirements if it is prepared by a person authorized to practice a prescribed profession. For example, a transportation impact study prepared by a qualified engineer would satisfy the requirement to submit such a study. Any municipal concerns with the contents of the study would be addressed as part of the review of the merits of the application, not the completeness of the application.

Staff Comment: Staff do not have concerns with this proposed change, as the contents of the required information would still be subject to thorough review.

- Approval from the Ministry of Municipal Affairs and Housing is required in order to proceed with an official plan amendment that would have the effect of adding to the local municipality's complete application requirements.

Staff Comment: Staff recognize that the intent of this amendment is to ensure additional items cannot be requested by a municipality last-minute in order to deem an application complete. It would ensure that clear direction is provided to applicants. Staff do not have concerns with this, provided that the Ministry of Municipal Affairs and Housing would approve these amendments in a reasonable amount of time where it is clear that the amendment is not being rushed through in order to add to the requirements of one specific applicant.

- Regulations have been proposed that would prescribe a list of subject matters and identify which reports and studies will be required as part of a complete planning application. These changes would apply to official plan amendments, zoning by-law amendments, site plan applications, subdivision applications, and

consent applications. Specific types of certified professionals whose studies must be accepted by a municipality would also be identified in the regulation. Sun/shadow, wind, urban design, and lighting are the topics currently being considered for exclusion from complete application requirements.

Staff Comment: Staff do have some concerns with this amendment, depending on the final list of exempt topics. It is recognized that shadows and wind can be natural impacts of new development, despite being somewhat unpleasant, and a study of either may be irrelevant. Lighting is currently regulated by the Zoning By-law and as such is also not of concern to staff. However, urban design is of significant importance to creating functional and aesthetically pleasing communities. Staff are of the opinion that urban design should not be excluded from the list of complete application requirements.

- Bill 17 proposes adding new rules with regard to minimum setback distances to the *Planning Act*. The new subsection would provide that a minimum setback distance is deemed to be the prescribed percentage of the setback distance. This would allow a setback that deviates from the requirement of a zoning by-law as of right, up to a prescribed percentage. The province is consulting on a prescribed percentage of 10 percent. For example, if a minimum setback in a zoning by-law is 10 metres, and a 10 percent variation is permitted as-of-right, the structure could therefore be constructed 9 metres from a property line without the need for a minor variance. This as-of-right variance proposal would not apply to a building or structure located in the Greenbelt Area, on anything other than a parcel of urban residential land, or on lands within 300 metres of a railroad or within 120 metres of conservation authority regulated lands. The minimum setback would be the setback on the day a building permit is issued where that permit has not been revoked, or on the day the lawful use of the building or structure was established where no building permit was required. The province is also seeking input on whether other zoning standards, such as building height or lot coverage, should be eligible for similar as-of-right variations.

Staff comment: It is assumed that the as-of-right variances would only be applied to parcels of urban residential land in order to encourage more housing in urban areas specifically (as opposed to hamlets or rural areas). Staff do not have concerns with the proposal to allow for a 10 percent variation as-of-right and would support similar variations for other zoning standards. These types of minor variances are almost always supported by staff and approved by the Committee of Adjustment, so it would help streamline development by allowing these variations as-of-right.

- New provisions in the *Planning Act* are proposed which would allow the Minister additional powers to impose conditions on a ministerial zoning order (“MZO”). The Minister may require that such conditions are secured through an agreement and registered on title.

Staff comment: Planning staff do not generally support the use of ministerial zoning orders, as they circumvent the established planning process in Ontario.

- New subsections are proposed which would prevent official plan policies and zoning by-laws from prohibiting the use of a parcel of urban residential land for a school or any ancillary uses to a school, such as a childcare centre located in the school. Additionally, the current exemption from site plan approval for portables on school sites only applies to schools that were in existence on January 1, 2007. This specification is proposed to be removed such that any school can place a portable on its land without the need for a site plan.

Planning comment: Staff are supportive of these proposed amendments.

### ***Building Code Act, 1992***

- The authority of the Building Materials Evaluation Commission is proposed to be limited. This Commission plays a role in authorizing new and innovative building materials, systems, and designs, and manufacturers must apply to the Commission for authorization before they can be used in Ontario. Bill 17 proposes to remove the Commission's authority in this regard where the Canadian Construction Materials Centre has already assessed an innovative material, system, or building design. Bill 17 also proposes to remove the Minister's authority to approve the use of innovative materials, systems, or building designs that have been evaluated by an entity designated in the Ontario Building Code. This would save time and money as the manufacturers would no longer require secondary approval of these materials.

Staff comment:

- The *Building Code Act, 1992* provides that the statute and the Building Code supersedes all municipal by-laws relating to the construction or demolition of buildings. The intent of this is to provide for the uniform regulation of construction in Ontario. Bill 17 proposes to clarify that the authority and jurisdiction of municipalities under the *Municipal Act, 2001* and the *City of Toronto Act, 2006* does not permit municipalities to pass by-laws respecting the construction or demolition of buildings. This will ensure that municipalities cannot create local requirements that differ from the *Building Code Act, 1992* or the Building Code, resulting in more consistency across Ontario.

Staff comment:

### ***Building Transit Faster Act, 2020***

- Bill 17 proposes to amend the *Building Transit Faster Act, 2020* by replacing the concept of "priority transit project" with "provincial transit project." This change would expand the type of projects that may benefit from procedural relief previously implemented through this Act.

Staff Comment: Staff have no concerns with these proposed amendments as this Act does not directly impact Norfolk County at this time.

### ***Metrolinx Act, 2006***

- Bill 17 proposes to amend the *Metrolinx Act, 2006* such that the Minister of Transportation may direct a municipality to provide information required for the development of a provincial transit project or transit-oriented community project.

Staff Comment: Staff have no concerns with these proposed amendments as this Act does not directly impact Norfolk County at this time.

### ***Transit-Oriented Communities Act, 2020***

- Bill 17 proposes to amend the *Transit-Oriented Communities Act, 2020* such that the Minister of Infrastructure replaces the Minister of Transportation in matters relating to the administration of this Act. It also proposes to amend the definition of “priority transit project” to include provincial transit projects.
- The requirement for approval from the Lieutenant Governor in Council for any dealings between the Minister of Infrastructure and a municipality or First Nation is proposed to be eliminated.
- Bill 17 proposes to amend the Act to expand the list of entities that the Minister of Infrastructure may delegate powers to, and would allow the delegates to enter into agreements with landowners to support transit-oriented community projects. These agreements may be registered on title and enforced against the landowners and any subsequent owners.
- Any funds invested in transit-oriented community projects would be required to be invested in accordance with an approved investment policy.

Staff Comment: Staff have no concerns with these proposed amendments as this Act does not directly impact Norfolk County at this time.

### ***Ministry of Infrastructure Act, 2011***

- Bill 17 proposes amendments to the *Ministry of Infrastructure Act, 2011* to reflect the changes proposed to the *Transit-Oriented Communities Act, 2020* regarding replacing the Minister of Transportation’s authority with the Minister of Infrastructure’s authority.
- A new section is proposed by Bill 17 to require municipalities to comply with the directives of the Minister of Infrastructure for the provision of information.

Staff Comment: Staff have no concerns with these proposed amendments as this Act does not directly impact Norfolk County at this time.

### **Financial Services Comments:**

Financial impacts associated with Bill 17 primarily relate to changes associated with the development charges act. Norfolk County does not currently provide an exemption for long-term care homes and there was no intention to include such an exemption in the DC by-law update currently underway. As Council is aware, any exemption provided to a development requires the amount of the exemption to be funded from the existing tax and rate base in order to ensure the DC reserve remains whole. It is not anticipated that

there will be an on-going annual impact of the exemption as long-term care developments in Norfolk are not common, however, should a long-term care project be proposed, the ad-hoc impacts may be significant in the associated year.

Proposed changes to interest rates associated with DC freezes and installment payments will have an impact on the County's ability to finance growth related projects. The original intent of the interest rates was to partially offset the impacts of delayed receipt of charges and freezing of development charge rates. Should the amount of interest being charged be decreased by legislation, it may further impact overall DC related cash flow. Similar cash flow impacts would be anticipated with the change in payment date for all development types to building occupancy instead of the building permit issuance which is the current practice. This will mean that the County must carry the costs of growth related infrastructure for a longer period of time before the associated cash flow from DC collections is received which could result in cash flow impacts on other areas of the organization. There would also be administrative changes required to adjust to this new approach.

Staff will continue to review any other financial impacts of the legislated changes as more information becomes available.

#### **Attachment(s):**

- None.

#### **Conclusion:**

The Environmental Registry of Ontario posting is open to comments regarding the proposed changes as follows:

- Proposed *Planning Act* and *City of Toronto Act, 2006* Changes (Schedules 3 and 7 of Bill 17 – *Protect Ontario by Building Faster and Smarter Act, 2025*) – ERO Number 025-0461 (comment period closes June 11, 2025);
- Bill 17: *Protect Ontario by Building Faster and Smarter Act, 2025* – Amendment to the *Building Transit Faster Act, 2020* – ERO Number 025-0450 (comment period closes June 11, 2025);
- Bill 17 – *Protect Ontario by Building Faster and Smarter Act, 2025* – Accelerating Delivery of Transit-Oriented Communities – ERO Number 025-0504 (comment period closes June 12, 2025);
- Proposed Regulation – As-of-right Variations from Setback Requirements | ERO Number 025-0463 (comment period closes June 26, 2025); and
- Proposed Regulations – Complete Application | ERO Number 025-0462 (comment period closes June 26, 2025).

Staff will provide comments prior to the closing dates and will bring subsequent information memos to Council regarding the outcome of Bill 17.

## Approval:

Reviewed and Approved By:  
Al Meneses  
Chief Administrative Officer  
Office of the CAO

Prepared By:  
Alisha Cull, BES, MCIP, RPP, Ec.D.  
Manager of Planning Services  
Planning Department  
Community Development Division