

## Document 2: Summary of staff comments on the Text of Bill 17

Schedule 1 – Building Code Act		
Bill 17 Section	Summary of Changes	Initial Staff Comments
1/ s. 28 new subsection 2/ Section 29 amended 3/ Para 23 of 34(1) is repealed 4/ New subsection	<p>An update to the Building Code Act is proposed which will prevent municipalities from passing by-laws respecting the construction or demolition of buildings. Clarity added in Building Code Act specifying that a municipality does not have the authority to pass by-laws respecting construction or demolition using its authority in the Municipal Act (its authority from the Planning Act remains unchanged). <i>Proposed changes include</i></p> <ul style="list-style-type: none"> <li>• <i>adding a provision to clarify that municipalities do not have the authority to create or enforce their own constructions standards.</i></li> <li>• <i>Eliminating the requirement for a secondary provincial approval of innovative construction products for products that have already undergone a “Canadian Code Compliance Evaluation” by the federal Canadian Construction Materials Centre</i></li> </ul>	<p>No concerns with <i>Canadian Construction Materials Centre/Building Materials Evaluation Commission</i> changes as Building Code Services enforce changes upon enactment.</p> <p>Does not impact the High-Performance Development Standards (HPDS). The HPDS uses authority under section 41 and 51 of the Planning Act, not the Municipal Act. The authorities under section 10 of the Municipal Act had been identified as potential for use on climate change initiatives but not pursued in any projects.</p> <p>Does not impact the application of the Tree Protection By-law which is authorized under Section 135 of the Municipal Act.</p> <p>No impact to any by-laws that use municipal act authority for regulating construction or demolition of buildings.</p> <p>Could have impact on the City’s Accessibility Design Standards (ADS) which, in some instances exceed the provincial requirements. The Accessibility office indicated that the ADS is scheduled for review and will be included in the Standards Unit workplan.</p>

## Schedule 2 – Building Transit Faster Act, 2020

Bill 17 Section	Summary of Changes	Initial Staff Comments
1/ definitions changed 2/ s. 84 amended 3/ Throughout	<p>Schedule 2 of the Bill proposes changes to remove barriers to building transit faster and get shovels in the ground quicker to build major provincial transit projects.</p> <ul style="list-style-type: none"> <li>• Building Transit Faster Act Expansion: Proposed amendments extend the Act to all provincial transit projects, exempting them from Expropriations Act hearings.</li> <li>• Transit Corridor Regulations: New permit requirements will apply to developments near transit projects, and Metrolinx/provincial powers will expand for lands within 30 metres of transit corridors.</li> </ul>	No transit projects in Ottawa are currently listed as priority transit projects in the regulations of the Building Transit Faster Act. However, given the ongoing negotiations with the province around the uploading of Ottawa's LRT system, the City could anticipate the regulations being amended, which would mean that all the sections relating to priority transit projects would apply.

## Schedule 4 – Development Charges Act, 1997

Bill 17 Section	Summary of Changes	Initial Staff Comments
1/ New section 4.4 exemption for LTC	<p>Development Charge (DC) Act amendments to support desired land uses:</p> <ul style="list-style-type: none"> <li>• Long Term Care homes are exempt from DCs</li> </ul>	Staff are supportive of this amendment. Long-Term care homes are already exempt in the City's DC By-Law. The City does not collect DCs to fund Long Term Care services.
2/ Subsection 5(3) amended	<p>The Minister will be able to make regulations in relation to:</p> <ul style="list-style-type: none"> <li>• prescribing limit and exceptions to eligible capital costs, including land costs</li> </ul>	This requires further clarification from the Ministry on the scope of eligible cost items. Staff will closely monitor any regulatory change affecting the determination of eligible capital cost items.
3/ subsection 19(1.1) replaced	Municipalities can amend their DC by-laws to reduce DCs or remove indexing without doing a background study or engaging in consultation.	Staff welcome the flexibility that comes with this amendment.
4/ Section 26.1 amended Subsection 26.1(3) New 26.1(3.1) Amended 26.1(4) 26.1(7) replaced	<p>Development Charge (DC) Act amendments to support desired land uses:</p> <ul style="list-style-type: none"> <li>• Payment of DCs for residential units are</li> </ul>	Staff support allowing a deferral of development charges for residential development from a process point of view. Further clarity is required in the instance

<p>26.1(8) amended 26.1(9) repealed New subsection 26.1(12)</p>	<p>automatically deferred until occupancy.</p> <ul style="list-style-type: none"> <li>• DCs for rental housing and institutional development, which are payable in annual installments, will no longer be charged interest. Outstanding installments can only be charged interest up to the date that Bill 17 comes into force.</li> </ul> <p>If no occupancy permit is required, securities (the type of which will be prescribed by regulation) could be required at the time of building permit issuance.</p>	<p>partial occupancy is obtained. Currently, there are no administrative functions to collect the fees at building occupancy. Additional processes will need to be developed and implemented to collect the fees.</p> <p>Deferring the payment could encourage developments to proceed at a faster pace. Staff will monitor regulatory changes related to financial securities and deferred development charges.</p> <p>DCs for rental housing and institutional development, which are payable in annual installments, will no longer be charged interest. This has the potential to reduce revenues, the extent of impact will be a function of how many outstanding annual installments are still to come.</p> <p>The deferral of development charges to occupancy permit issuance and elimination of interest on deferrals carries a monetary risk to the City for carrying cost and to administer the deferrals.</p> <p>Staff oppose the change to 26.1(9) <i>repealed</i> as the City's authority to collect the balance of DCs owing immediately in the event that all or part of the use changes (i.e. to a non-rental or institutional use). An appeal would be expected if the City tried to do so through its own process/by-law, once this section is repealed.</p> <p>Staff support new subsection 26.1(12)</p>
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5/ Section 26.2 new subsections	Rates are currently frozen as of the date that a zoning by-law or site plan application is made. The charges payable will be the lower of the frozen rate, or the DC rate in place at the time of payment.	Staff will comply with this direction once Bill 17 receives Royal Assent.
6/ Section 28 replaced	Withholding of permit until charge paid	Staff support the updated amendments to provide greater clarity.
7/ Section 41 amended New subsection 41(1.1)	The Minister will be able to make regulations in relation to: <ul style="list-style-type: none"> <li>merging related service categories for the purpose of DC credits, expanding the ability of developers to receive credits for the construction of infrastructure</li> </ul>	Staff will monitor the regulations to determine impact.
8/ New subsection 59(2.1)	The Minister will be able to make regulations in relation to: <ul style="list-style-type: none"> <li>define local services to standardize what infrastructure is captured under development charges versus local services</li> </ul>	Staff are looking into possible impacts on services provided through subdivision agreements. Once a regulation is proposed, staff will be able to provide a more fulsome response based on what is exempted under local services.
9/ Reg powers changed 9(2)/ new clause	As per above staff will monitor regulations as they are proposed	Staff support allowing a deferral of development charges for residential development. Deferring the payment could encourage developments to proceed at a faster pace. Staff will monitor regulatory changes related to financial securities and deferred development charges.

#### **Schedule 6 – Ministry of Infrastructure Act, 2011**

Bill 17 Section	Summary of Changes	Initial Staff Comments
1/ Section 7.1 repealed 2/ New section 10.1 3/ Para 2.1 of 19(2) repealed 4/ Reg Revocation	Provides the Minister of Infrastructure with the authority to request information and data from municipalities and municipal agencies, where needed to support provincially funded infrastructure projects with a goal of helping to speed up the delivery of infrastructure projects.	Staff do not have concerns with this requirement; however, it is unclear how this information will be used to facilitate project delivery.

#### **Schedule 7 – Planning Act**

Bill 17 Section	Summary of Changes	Initial Staff Comments
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1/ New subsection 16(3.2.1) 1(2)/ 16(3.3) amended	Schools will be automatically permitted on residential urban lands.	Staff support <b>16(3.2.1) Schools</b> - most subdivisions split zones for schools and residential development. May have more implications for new Zoning By-law to allow on existing sites. A minimum lot size would be recommended, as well as performance standards. Infill situations would be different from greenfield development. Additionally, staff expect that local communities will have traffic concerns.
2/ New subsections 17(21.1) and (21.2) 2(2)/ Subsections 17(21.1) and (21.2) repealed	Municipalities will require written approval from the Minister before adopting an official plan amendment to change the requirements for a complete application	The Official Plan currently does not have a list of such information or studies. Staff are proposing such a list as part of the PPS Consistency OPA to be considered by Joint Committee on June 18, which will ultimately require approval from the Minister. As such, staff recommend the legislation be revised to exempt amendments requiring Minister approval from obtaining additional written approval.
3(1)/ ss. 22(5) amended 3(2)/ new subsection 22(6.0.1)	Reports by prescribed professionals automatically meet complete application requirements (list of professions yet to be released).	Staff obtained additional clarity from the Province and confirmed studies submitted by prescribed professionals would be deemed complete, however the City will still be able to review the studies. Conditions for approval may apply depending on the quality of the study  Staff believe there is a heightened pressure on timelines where prescribed professionals are not providing materials of sufficient quality to demonstrate consistency with master plans, policies, by-laws, standards, or guidelines and

		without the systems lens that staff undertake. A site-specific assessment may lack the network context, and the municipality losing its ability to review for completeness and methodology can reasonably be expected to put pressure on timelines. To meet provincial timelines, Site Plan Control approvals may include, at an increased frequency, conditions to be resolved before a building permit can be issued to resolve quality issues.
4(1)/ New subsections 34(1.4) to (1.7) 4(2)/ 34(10.2) amended 4(3)/ new subsection 34(10.301)	Minor Variance Adjustments: The Minister may permit setback variations as of right, with a proposed regulation allowing up to 10% flexibility.	<p>The setbacks impacted relate only to setbacks from property boundaries and not surface water features.</p> <p>Staff observed that in the first 9 months of 2024, 3 of 338 applications are for yard setbacks with an increase within 10% of the minimum yard setback, or 0.8% of all minor variance applications.</p> <p>Staff are unsure that this amendment would meet its desired objective, which is to reduce the amount of minor variance applications. This is because variances for yard setbacks are often accompanied by variances for other performance standards and/or a consent application.</p> <p>There are policy implications on how yard setbacks are dealt with by staff who are currently finalizing draft 3 of the new zoning by-law.</p>

		4(3)/ new subsection 34(10.301) – discussed in 3(1) ss. 22(5) amended
5/ 35.1(1/3) amended	Housekeeping from Bill 185. Subsection 34.1(9) no longer exists.	Staff support the clarity.
6/ New section 35.1.1	Aligns with new ss. 16(3.2.1)	Same as OP comments on schools. - 1/ New subsection 16(3.2.1)
7(1)/ ss 41(1.1) amended 7(2)/ 41(3.4) amended 7(3)/ new subsection 41(3.5.1)	Newer schools adding portables are now also exempt from site plan.	Staff support 7(1) and 7 (2), however recommend a limit in number or lot coverage to mitigate stormwater management and drainage impacts.  7(3)/ new subsection 41(3.5.1) – discussed in 3(1) ss. 22(5) amended
8/ New subsections 47(1.0.1)-(1.0.5)	Conditional Minister’s Zoning Orders (MZOs): The Minister can impose enforceable conditions before MZO uses are permitted, with agreements registered on title.	Staff are generally supportive of this amendment; however, the scope of “conditions” remains unknown. As written, it is not unlike a holding provision, which is a tool that the City employs to prohibit specific development until certain conditions are met (i.e. specified studies are undertaken, servicing capacity is confirmed).  If an MZO is considered within Ottawa, the City would appreciate the opportunity to request conditions be added to the MZO under this subsection. An amendment to section 47 affording municipalities a formal opportunity to request conditions is needed.
9(1)/ subsection 51(18) amended 9(2)/ New subsection 51(19.0.1)	New standard provision that deems studies/reports acceptable if prepared by a professional.	9(2)/ New subsection 51(19.0.1) – discussed in 3(1) ss. 22(5) amended

10(1)/ subsection 53(3) amended 10(2)/ new subsection 53(4.0.1)	New standard provision that deems studies/reports acceptable if prepared by a professional	10(2)/ new subsection 53(4.0.1) – discussed in 3(1) ss. 22(5) amended
11/ New para 20.1	<p>The Minister may make regulations including prescribed professionals, specifying information or material that may or may not be required, and providing that such requirements or prohibitions prevail over any requirements in an official plan</p> <p>ERO 025-0462, the Proposed Regulations– Complete Application, proposes to consult on who the professionals are, and also proposes that the following topics could not be required as part of a complete planning application: Sun/Shadow, Wind, Urban Design, Lighting.</p>	<p>Staff are concerned with the proposed regulations to the Planning Act that would limit the ability of the Municipality to request an Urban Design Brief, Wind Study and Sun/Shadow analysis as a part of a complete application. Urban design is essential to creating livable, inclusive, and sustainable communities, as reflected in the 2024 Provincial Planning Statement and the City of Ottawa’s Strategic Plan, which emphasize climate action, economic prosperity, and quality of life.</p> <p>Ottawa’s Official Plan, bolstered by the City’s Urban Design Guidelines, reinforces this through support for intensification while ensuring new developments are context sensitive, attractive, and support Ottawa’s image as the Nation’s Capital. These studies are critical in the review and implementation process which ensures development supports livability by providing key components such as building separations to allow sufficient light access for residential units; quality landscaping and well thought-out streetscapes; pedestrian paths of travel; ensuring private and public spaces including parks; Privately Owned Public Spaces (POPS), and amenity areas are placed and designed in a manner that considers microclimate conditions including sunlight</p>



		<p>and wind conditions and their overall design and location contribute to rather than detract from the context of the area.</p> <p>Completion of these studies at application submission ensures that applicants have carefully considered Provincial and City policies and guidelines at the conception of a project and convey their design approach and considerations ensuring that the resulting review by municipal staff is efficient and streamlined. The City of Ottawa has taken many steps to ensure that expectations for applicants are clear and consistent and has developed clear terms of reference to ensure expediency in review. These studies are critical to ensuring provincial and municipal goals are met in a clear and efficient manner.</p> <p>Staff are also concerned that the current requirements for Tree Conservation Reports and Tree Information Reports may be considered by the Province to fall within the definition of Urban Design or may not be included in the Provincial prescribed list of studies. The exclusion of such studies would critically impair the City's ability to implement the Tree Protection By-law and achieve its urban tree canopy target.</p>
<b>Schedule 8 – Transit Oriented Communities Act, 2020</b>		
Bill 17 Section	Summary of Changes	Initial Staff Comments
1/ definitions amended 1(5)/ new subsection 1(2) 2/ 4(1) amended	<ul style="list-style-type: none"> <li>Expansion of the Building Transit Faster Act – The Act now applies to all provincial transit projects, removing the</li> </ul>	This in effect will link the Transit-Oriented Communities Act to the list of priority transit projects designated in the regulations

<p>2/ New subsections 4(1.1)-(1.2)</p> <p>4(2) amended</p> <p>4(3) replaced</p> <p>4(4) replaced</p> <p>3/ New section 4.1</p> <p>4/ new clause 5(1)(b.1)</p>	<p>requirement to name specific projects in legislation.</p> <ul style="list-style-type: none"> <li>• Exemption from Expropriations Act Hearings – Transit projects will no longer require a hearing of necessity, speeding up land acquisition.</li> <li>• Corridor Development Permits – Owners of land within 30 metres of transit corridors must obtain permits for construction activities that could interfere with transit projects.</li> <li>• Land Assembly Process – The province is streamlining land acquisition for transit projects, ensuring faster approvals and development.</li> </ul>	<p>under the Building Transit Faster Act. There is no immediate impact to Ottawa, however if any of the O-Train lines are designated, the provisions of the Transit-Oriented Communities Act would apply to Ottawa.</p>
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