



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Comments to Province - Protect Ontario by Building Faster and Smarter Act, 2025 (Bill 17)

Date: Jun. 12, 2025

Report Number: BLD-2025-13

Department: Building and Planning

File Number: C11

Prepared By: Brett Pollock, Manager of Building and Planning/CBO

Attachments: 25-2204 Municipal Notification Letter, Technical Briefing Protect Ontario by Building Faster and Smarter Act, 2025, Protect Ontario by Building Faster and Smarter Act, 2025 (Bill 17) - BLD-2025-11, and Township of Huron-Kinloss_June 11 Comments on Bill 17

Recommendation:

THAT the Township of Huron-Kinloss Council hereby receives for information Report BLD-2025-13 prepared by Brett Pollock Manager of Building and Planning/CBO;

AND FURTHER provide any direction to staff.

Background:

At the June 2, 2025 Committee of the Whole meeting Council received a report on the proposed [Protect Ontario by Building Faster and Smarter Act, 2025 \(Bill 17\)](#). A copy of the report is included for your reference. It was noted that there were two commenting periods, June 11th and June 26th. As a result, Council directed staff to submit comments prior to the June 11th deadline and to report back on the comments submitted. A copy of the comments submitted is attached. And further that staff bring back, for discussion, comments related to the changes proposed with a June 26th deadline.

Discussion/Analysis/Overview:

The proposed changes remain with a June 26th commenting deadline are as follows:

[ERO 025-0462](#) proposes to limit complete application (studies/reports) requirements to what is currently identified in municipal official plans, except where the Ministry of Municipal Affairs and Housing approves the changes, and further regulate the reports or studies required as part of a complete application.

Currently, municipalities can require information or materials in addition to the minimum provincial requirements for most application types. A planning application is then considered complete when all the required information has been received.

Specifically, it is proposed that the following topics could not be required as part of a complete planning application:

- Sun/Shadow: information and material related to the impact of shadows cast by a proposed development on the subject land and on surrounding lands including streets.
- Wind: information and material related to the potential impacts of a proposed development on wind conditions in surrounding areas.
- Urban Design: information and material concerning the urban design of a proposed development, including how a proposed development aligns with municipal urban design guidelines or policies.
- Lighting: information and material related to lighting and lighting levels on the site, including the location and type of lighting fixtures proposed on the exterior of the building and on the site.

In addition, the Province is looking for feedback on topics or studies that should be included as part of a complete application and which certified professionals should be included in the list of professionals whose reports/studies would be required to be accepted.

Proposed Comment:

While the Township appreciates the Province's efforts to streamline the development process, limiting the ability for a municipality to make decisions in the best interest of its residents is not necessarily the best path forward. Instead, we would encourage the use of standardized terms of reference, guidelines, and standards to ensure consistency across the province and throughout the development processes. The Township is supportive of identifying the professionals who are qualified to complete the necessary studies or reports. However, it is recommended that the Province maintain the ability for a Municipality to review submitted reports, designs and studies. This ensures that developments are proceeding at appropriate standards and will meet the needs of the municipality. In addition, municipalities are at times expected to assume the infrastructure or other aspects of a development and therefore should maintain the right to review and require alterations to designs and applications to ensure its interests are protected.

[ERO 025-0463](#) proposes to permit variation to a zoning by-law to be "as of right" if a proposal is within a prescribed percentage of the required setback (the minimum distance a building or structure must be from a property line) on specified lands. The specified lands would exclude areas such as hazardous lands, and lands near shorelines.

As-of-right variations from setback requirements would allow variations to be permitted "as-of-right" if a proposal is within 10% of setback requirements applicable to specified lands. For example, if your local zoning by-law requires a 5 metre front yard setback from the property line, this would effectively reduce the setback to 4.5 metres and you would be allowed to build .5 metre (half of a metre)

into that 5 metre setback as-of-right, without a minor variance or zoning by-law amendment.

In addition, the Province is asking if as-of-right variations should be expanded beyond setback requirements.

Proposed Comment (same as previously submitted):

The proposed regulation would have little impact on the volume of planning applications received in the municipality since variances of less than 10% are uncommon. In addition, it may result in a higher degree of administrative responsibility. If the province implements variances as-of-right, we suggest certain considerations be made:

- That the regulation may be broadly applied to all residential lots within settlement areas, not only those that are fully serviced.
- This regulation should not reduce setbacks to shorelines and hazard areas when in doing so could comprise environmental protections
- Where the municipality is limited with its firefighting capacity. Consideration will have to be given to maximum height and setback thresholds in respect to firefighting.
- We advise against permitting as of right lot coverage regulations, in consideration with stormwater drainage management.
- We are seeking additional clarification as to how current legal non-conforming uses will be regulated under the Act.
- Additional clarification is required for setbacks that would be included in the regulation; for example could it be interpreted to include:
 - Permitted encroachments into required yard setbacks (chimneys, eaves, decks, etc)
 - Lot line setbacks for Sight Triangles
 - Lot line setbacks to Arterial roads setbacks
 - Lot line setbacks adjacent to provincial highways
 - Setbacks from driveways or parking areas to lot lines
 - Primary vs accessory buildings
 - Buildings with one or more residential units or any buildings on lands that permit residential uses as a primary use
 - Setbacks from lot lines between urban residential land and industrial or other incompatible uses in accordance with provincial guidelines
- Safety factors to maintain separation distance for buildings under 15 square metres that are not regulated by the OBC
- The regulation should only apply to zoning by-laws that were passed prior to the enactment. Municipalities should be empowered to amend their by-law to reflect the new regulations.

To summarize, the Township urges to the Ministry to further consider this regulation. We recommend that the Ministry adopts a similar protocol to that of consents, wherein undisputed consents are streamlined through the process to allow for greater efficiency.

Financial Impacts:

The immediate financial impacts of the proposed changes on the Township are unknown and will be made clearer once the final versions of the regulations are made available.

Strategic Area:

- Embrace a thriving rural lifestyle
- Prepare for Inclusive Growth
- Enhance Municipal Service Delivery
- Ensure Financial Stability

Strategic Goal: Ensure municipal systems support future growth

Respectfully Submitted By:

Brett Pollock, Manager of Building and Planning/CBO

Report Approved By:

Jodi MacArthur, Chief Administrative Officer