



June 2, 2025

Honourable Minister Rob Flack
Minister of Municipal Affairs and Housing
750 Talbot St. Suite 201
St. Thomas, ON N5P 1E2
rob.flack@pc.ola.org

Dear Hon: Minister Flack:

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

The Canadian Environmental Law Association (“CELA”) is writing to express concerns about amendments proposed by Bill 17 which would restrict what information a municipality may require to assess a wide variety of development applications. In particular, the quality of a study to appropriately predict and mitigate environmental impacts is not guaranteed because it has been written by a “prescribed professional”. CELA recommends that the province ensure that any amendments to the municipal planning regime aid municipalities in reaching the goals set by the province, including in Policy 2.9 of the Provincial Planning Statement, 2024, to address the impacts of climate change and build resilient and energy efficient infrastructure.¹

CELA has previously [submitted concerns](#) that the government of Ontario is fast-tracking adoption of Bill 17 prior to the completion of the public consultation period pursuant to the *Environmental Bill of Rights*. CELA urges the government to ensure that the *Environmental Bill of Rights* is respected and that Bill 17 is not passed prior to the end of the consultation period on the Environmental Registry of Ontario and that the Ministry considers all public comments.

(1) Canadian Environmental Law Association

CELA is a specialty legal aid clinic that works toward protecting public health and the environment by seeking justice for those harmed by pollution or poor decision-making and by advocating for improvements to laws and policies to prevent problems in the first place. Since 1970, CELA has used legal tools, conducted public legal education, undertaken ground-breaking research, and advocated for increased environmental protection and to safeguard communities. As a specialty clinic funded by Legal Aid Ontario, our primary focus is on assisting and empowering low-income, disproportionately impacted, and vulnerable communities to further access to environmental justice.

Since our inception, CELA’s casework, law reform and public outreach activities have included work on behalf of our client communities on land use planning matters at the provincial, regional

¹ Provincial Planning Statement, 2024 (“PPS”), Policy 2.9 <[Provincial Planning Statement, 2024](#)>

and local levels in Ontario. For example, CELA lawyers provide summary advice and represent low-income persons and vulnerable communities involved in disputes under the *Planning Act* in relation to official plans, zoning by-laws, subdivision plans, and other planning instruments.

(2) Municipal Authority to Make “Construction” Standards

Municipalities have not previously had legal authority to pass construction standards. Currently, section 35(1) of the *Building Code Act, 1992*, SO 1992, c 23 (“*Building Code Act*”) states that the *Building Code Act* and the building code “supersede all municipal by-laws respecting the construction or demolition of buildings”.²

Bill 17 proposes to amend the *Building Code Act* to include the following section 35(1.1):

For greater certainty, sections 9, 10 and 11 of the *Municipal Act, 2001* and sections 7 and 8 of the *City of Toronto Act, 2006* do not authorize a municipality to pass by-laws respecting the construction or demolition of buildings.³

The proposed amendment does not change the current state of legislative power of either the province to set construction standards through the *Building Code Act* or municipalities to make by-laws in pursuit of other goals, such as “economic, social and environmental well-being of the municipality, including respecting climate change, the health, safety and well-being of persons and the protection of persons and property”.⁴

Municipal action in pursuit of those listed goals, as long as they do not require specific construction standards, will not conflict or overlap with provincial authority.

(3) Complete Applications

i. Restrictions on Municipal Authority to Mandate Studies and Information

Bill 17 proposes a series of amendments which would restrict what information a municipality can collect as part of a “complete application” under the *Planning Act* and provide for Ministry oversight and approval of information collected by municipalities.⁵ The scope of the proposed restrictions apply to a wide range of development decisions with very different potential environmental or health impacts. A one-size-fits-all approach does not appropriately account for local conditions or for the particular impacts of a proposed development.

ii. Provisions to Automatically Accept Reports if they are Prepared by a Prescribed Professional

² *Building Code Act, 1992*, SO 1992, c 23, s 35(1)

³ Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025*, Schedule 1, s. 4(1.1)

⁴ *Municipal Act, 2001*, SO 2001, c 25 (“*Municipal Act*”), ss. 10, 11; *City of Toronto Act, 2006*, SO 2006, c 11, Sched A (“*City of Toronto Act*”), s 8(2)

⁵ Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025*, Schedule 3, ss 1(2) and 1(4)(0.a), Schedule 7, ss 1(2)(21.1), 3(1), 4(2), 7(2), 10(1), 11(20.1)

CELA is very concerned about the proposed amendments in Bill 17 which would deem information or material provided to municipal officials complete based solely on whether it has been prepared by a “prescribed professional”.⁶ These proposed amendments raise serious concerns as the preparation of a study by a prescribed professional does not assure quality and does not ensure that the appropriate environmental and health safeguards are in place before a development proposal moves forward.

iii. Conclusion on Complete Applications

In CELA’s view, restrictions on the quality and quantity of information provided to municipalities where they are charged with making development decisions should be removed. A proponent of a development must still demonstrate that all environmental and other planning requirements are met.

More limited municipal analysis of development applications risks an increase in disputes between proponents, governments and impacted citizens, including in court actions relating to the impacts of development after they have been approved. Thus, for instance, neighbours with concerns about a nearby development may turn to civil causes of action in Court, such as nuisance claims, which would otherwise have been resolved through upfront scrutiny of environmental harm.

CELA therefore recommends removing the proposed changes to municipal authority to determine what they need for a complete application and that would deem reports complete if they are created by a prescribed professional in Schedules 3 and 7 of Bill 17.

(4) Minister’s Zoning Orders

Bill 17 proposes to increase the power in s.47 of the *Planning Act* to make Minister’s Zoning Orders (“MZO”).⁷ An MZO power should be used sparingly, if at all as it allows the Minister to circumvent the land use planning process. CELA is concerned about ongoing changes to the *Planning Act* and provincial land use planning regime which concentrate power in with the Minister of Municipal Affairs and Housing. Ontario’s land use planning regime works best when the requirements of the *Planning Act*, Provincial Planning Statement, 2024 are met and when the public is involved in decision-making that affects them.

(5) Municipal Action to Meet Provincial Climate and Environmental Goals

The province sets out overarching planning goals in the *Planning Act*, RSO 1990, c P13 (“*Planning Act*”), including to “promote sustainable economic development”.⁸ All planning decisions shall have regard to matters of provincial interest, including:

- (a) the protection of ecological systems, including natural areas, features and functions;

⁶ Bill 17, *Protect Ontario by Building Faster and Smarter Act*, 2025, Schedule 3, ss.1(3)(4.4.1) and 1(4)(0.a.1), Schedule 7, ss.3(2)(6.0.1), 4(3)(10.3.1), 7(3)(3.5.1), 9(2)(19.0.1), 10(2)(4.0.1)

⁷ Bill 17, Schedule 7, s. 8

⁸ *Planning Act*, RSO 1990, c P13 (“*Planning Act*”), s.1.1

...

(c) the conservation and management of natural resources and the mineral resource base;

...

(e) the supply, efficient use and conservation of energy and water;

...

(h) the orderly development of safe and healthy communities;

...

(o) the protection of public health and safety;

(p) the appropriate location of growth and development;

...

(r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.⁹

Likewise, the Provincial Planning Statement, 2024 (“PPS”) sets clear goals for municipalities and all planning authorities to address climate change and other environmental harms. In Policy 2.9, *Energy Conservation, Air Quality and Climate Change*, planning authorities “shall plan” to reduce greenhouse gas emissions and prepare for the impacts of a changing climate, including approaches that:

a) support the achievement of compact, transit-supportive, and complete communities;

b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;

c) support energy conservation and efficiency;

⁹ *Planning act*, s. 2

- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.¹⁰

The province should ensure that municipalities have the tools they need to meet these mandatory requirements of the PPS and can address the impacts of climate change on our communities.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Jacqueline Wilson
Counsel

¹⁰ Provincial Planning Statement, 2024 (“PPS”), Policy 2.9