



County of Brant Council Report

To: The Mayor and Members of County of Brant Council
From: Brandon Kortleve, Manager of Policy Planning
& Lilly Brown, Policy Planning Student
Date: April 14, 2026
Report #: RPT-0159-26
Subject: *Bill 98, Building Homes and Improving Transportation Infrastructure Act – Overview of Legislative Changes*
Purpose: For Information and Direction

Recommendation

Whereas the Province of Ontario has enacted *Bill 98, Building Homes and Improving Transportation Act, 2026*, to expedite the delivery of housing and transportation through streamlined approvals and reduced regulatory barriers, including amendments to the *Planning Act, 1990*, the *Building Code Act, 1992*, and the *Development Charges Act, 1997*;
Therefore that Council receive RPT-0159-26 as information;

And that Council direct County Staff to submit comments on the proposed legislative changes as further outlined in this report, by the comment deadline of May 14, 2026.

Executive Summary

To support the ongoing Provincial efforts to reduce red tape and accelerate housing delivery, *Bill 98, Building Homes and Improving Transportation Infrastructure Act*, advances a suite of legislative and regulatory changes intended to streamline municipal approvals, reduce development-related costs, and support infrastructure delivery. The Provincial Planning Statement (PPS, 2024) sets a target of at least 1.5 million new homes by 2031, and *Bill 98* builds on earlier initiatives, including *Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025*, and *Bill 60, Fighting Delays, Building Faster Act, 2025*, to advance this objective.

This report summarizes the key legislative amendments and regulatory decisions released on March 30th, 2026, and identifies associated implications for the County. While the proposed changes may increase housing supply and better infrastructure coordination, they also raise concerns about municipal autonomy, resource allocation, and local planning priorities.

Strategic Plan Priority

Strategic Priority 2 - Focused Growth and Infrastructure

Strategic Priority 4 - Stable and Responsive Governance

Impacts and Mitigation

Social Impacts

Bill 98 aims to increase housing supply by streamlining approvals and encouraging more compact, permissive development. However, limiting municipal discretion to adapt frameworks to local conditions may impair the County's ability to deliver complete communities.

Environmental Impacts

Bill 98 would limit the County's ability to advance environmental and sustainability objectives by restricting enhanced development standards and narrowing site plan control. This reduces flexibility to address local conditions and require climate- resilient features.

Economic Impacts

By lowering development costs and speeding up approvals, *Bill 98* aims to support investment and housing construction. However, limitations on municipal cost- recovery could increase financial pressure on the County and shift more growth- related costs to tax- supported or external funding over time.

Report

Background

On March 30th, 2026, the Province introduced [Bill 98, Building Homes and Improving Transportation Infrastructure Act, 2026](#), alongside several consultations on the Environmental Registry of Ontario (ERO). Concurrently, the Province released decisions on related proposals previously consulted on under *Bill 17* and *Bill 60*. These changes are anticipated to be in place sometime in May.

Proposed Regulatory Changes for Review	Regulatory Decisions
<ul style="list-style-type: none">• ERO #026-0300: Overall proposed Planning Act, Building Code Act, 1992 and Municipal Act, 2001 changes• ERO #026-0309: Prohibit Enhanced Development Standards as a Condition of Land Division Approvals• ERO #026-0310: Reforms to the Site Plan Control• ERO #026-0311: Residential Lot Size in Urban Areas.• ERO #026-0312: Changes to Parkland Requirements• ERO #026-0313: Complete Application Requirements	<ul style="list-style-type: none">• ERO #025-1099: Standardizing Official Plans• ERO #025-1100: Minimum Residential Lot Sizes• ERO #025-1101: Consultation on Development Standards

This report focuses on those proposed changes most relevant to the County of Brant's development process. Pursuant to Council direction, Staff will prepare the County's comments on proposed amendments to the *Planning Act, 1990*.

Proposed Regulatory Impacts

Restriction of Green and Enhanced Development Standards

Building on *Bill 60's* [ERO #025-1101](#), which consulted on the removal of development standards such as landscaping and tree planting standards. *Bill 98* opened two related ERO postings to reform Site Plan Control (SPC) and restrict enhanced standards from being a condition of lot division ([ERO #026-0309](#); [ERO #026-0310](#)). *Bill 98* proposes removing municipal authority to require enhanced development standards that are not necessary for health or safety, specifically restricting measures relating to sustainability.

Proposed additional reforms to speed up SPC include:

- Scope limitations: including restricting SPC to health and safety matters and removing references to sustainable design;
- Process and timeline controls: such as limiting reviews to three circulations and introducing mandatory coordination meetings; and
- Alternative resolution and approval streams: including arbitration panels and tiered review framework for minor applications

The County currently administers a tiered approach to SPC, allowing the level of review to be scaled based on application complexity. Recently staff have been moving to ensure that after three submissions that either minor issues are remaining or a meeting is convened to review issues to help move the file to completion, which is consistent with the Province's approach.

A typical SPC application begins with a pre-consultation meeting to identify required studies and submission expectations, followed by three formal submissions. A fourth and final submission is often used to address minor revisions and does not typically require full agency circulation. Major applications can range up to seven or eight submissions. Each formal circulation period includes an approximate three-week review timeframe, and when municipal review time and applicant resubmission timelines are considered, the overall review process generally totals approximately 100 to 120 days, depending on application complexity. While the ERO implies that delays are a municipal issue, application revisions typically involve multiple parties, with timelines for both sides to review and respond.

Staff have concerns that the proposed reforms may significantly reduce the County's ability to address landscaping and the integration of sustainability measures. By requesting detailed landscaped plans, the County is able to offset the large loss of vegetation removed to facilitate development. Although sustainability matters previously recognized through SPC or as conditions of lot division can be addressed through the Community Planning Permit System (CPPS), in the interim and for other municipalities, SPC remains a critical tool for securing site-specific natural heritage protections and climate-responsive design. Staff's comments will reflect that this restriction on enhanced development standards could limit the municipality's ability to ensure development aligns with County and Provincial objectives related to environmental protections and creating a complete and healthy community that achieves municipal climate change goals.

Parkland Requirements

The Province is proposing regulatory changes to implement outstanding parkland dedication provisions previously adopted under *Bill 23* ([ERO Notice #026-0312](#)). The proposed regulation would expand the types of land that may be used to satisfy parkland dedication requirements, including encumbered lands and Privately Owned Publicly Accessible Spaces (POPS), subject to prescribed suitability criteria. The proposed framework would facilitate the use of easements for POPS, authorize municipalities to require agreements for encumbered

or strata lands that can be registered on title, and establish a credit system under which encumbered lands and POPS arrangements would receive a minimum parkland dedication credit of 70 percent. Municipalities would be required to accept qualifying lands, and landowners would have the right to appeal a municipal refusal or nondecision to the Ontario Land Tribunal.

The proposed regulation would establish clear criteria to determine which lands are eligible or ineligible for parkland conveyance, focusing on public safety, environmental protection, accessibility, and usability. Additional implementation requirements would standardize documentation, notice, and appeal processes.

Allowing developer- identified lands, including encumbered lands and POPS, to count toward parkland dedication at a 70 percent credit may result in smaller, fragmented, or constrained parcels that are unsuitable for active recreation, limit flexibility to implement the Parks Master Plan, and hinder achievement of climate action objectives. While eligibility criteria emphasize accessibility, visibility, and public comfort, Staff have concerns regarding the vagueness of these standards, responsibility for long- term maintenance, delegated decision- making authority, and appeal risk through the Ontario Land Tribunal. Additional administrative, legal, and agreement- negotiation requirements are anticipated, potentially impacting approval timelines.

Complete Application Requirements

Planning legislation sets out the minimum information required for a planning application to be considered complete, but municipalities currently have wide discretion to request additional studies. This has led to significant variation across Ontario in what studies are required. To create standardization, the proposal would establish a comprehensive list of studies that municipalities may require, divided into core studies that are commonly needed and contingent studies that would only apply in specific circumstances. The following division is currently proposed:

Core Studies	Contingent Studies
<ul style="list-style-type: none"> • Environmental Impact Statement • Environmental Site Assessment • Functional Servicing Report • Geotechnical Report • Hydrogeological Report • Planning Justification Report 	<ul style="list-style-type: none"> • Aggregate/Minerals/Petroleum Resource Impact Assessment • Agricultural Impact Assessment • Air Quality/Odour Study • Arborist Report • Archaeological Assessment • Cultural Heritage Impact Assessment • Economic Viability Assessment or Financial Impact Analysis • Human-made Hazard Impact Study/ Assessment • Land Use Compatibility Study • Minimum Distance Separation Formulae Assessment • Natural Hazard Impact Study / Assessment • Noise/Vibration Study • Rail Safety and Risk Mitigation Report • Servicing Options Report

Staff support the principle of standardization and note that this framework aligns with the County's intended approach through a future CPPS, whereby core study requirements are clearly defined, and additional studies are addressed through conditions of approval. As a result, an amendment to the implementation and interpretation section of the Official Plan will likely be required to properly reflect this framework.

Given that Official Plan amendments related to complete application requirements are currently subject to approval by the minister, staff intend to seek clarity from the Province on whether an amendment to the Plan initiated to address these Provincial changes would continue to require Provincial (Ministry) approval, or whether any exemptions may apply.

Provincial Decisions Released

Standardizing Official Plans

Although Official Plans must be approved by the Ministry of Municipal Affairs and Housing (MMAH), there was flexibility in how it is written, so long as it is consistent with the PPS as prescribed in the Planning Act. The approved changes reduce this flexibility and introduce a new, standardized framework for municipal official plans across Ontario.

All lower and single-tier municipalities will be required to use a consistent Official Plan structure, including a standardized table of contents, common schedules, and a uniform set of twelve land use designations ([ERO #025-1099](#)). These changes are intended to make Official Plans shorter, clearer, and more consistent between municipalities, while also being more permissive and supportive of development. The standardized land use designations clearly set out permitted uses and encourage greater flexibility and mixed-use development. In line with removing sustainability measures elsewhere, the standardization also removes any duplicate requirements for climate change policies.

The standardization framework would allow for greater consolidation of existing land use designations using sub- designations. While our current Official Plan has already been generally structured to support this approach, further alignment will be required. This may include combining land use designations such as Community Node and Community Corridor designations under Mixed-Use Areas and aligning Countryside and Agricultural designations under a Prime Agricultural Area designation. Site- specific permissions would need to be addressed through zoning or the CPPS. To support this work, the County will need to map the translation between existing Official Plan policies and Provincial standards to ensure consistent interpretation and implementation.

The County will be required to align the Official Plan with streamlined Provincial standards by January 1, 2029. The update is expected to involve primarily a reorganization rather than a comprehensive rewrite. The current Official Plan Omnibus Amendments are being structured to align with the directions for Official Plan standardization. Further discussion will be required regarding the timing and forecasted capital costs of the next Land Needs Assessment. While the assessment is currently anticipated to occur around 2031 to align with the census and provide the legislated 10-year update to the Official Plan, it may be more appropriate to undertake it closer to the timeframe for Official Plan standardization, as both initiatives would require Provincial approval. Staff will report back to Council on the timing of these projects in anticipation of the 2027 budget discussions.

Minimum Lot Sizes

As part of *Bill 60*, the Province consulted on minimum residential lot sizes ([ERO #025-1100](#)). To implement this direction, *Bill 98* proposes amendments to the Planning Act that would authorize MMAH to establish a minimum residential lot size for serviced urban lands ([ERO #026-0311](#)). The Province has confirmed its intention to proceed with a regulatory minimum lot size of 175 square metres, proposed to apply in fully serviced urban areas, such as Paris and St. George.

Staff are generally supportive of the principle of more compact housing forms and increased density in serviced areas as a responsible and efficient planning approach. However, the implementation may present local challenges, including impacts to neighbourhoods through infill and the need for careful coordination with servicing, drainage, and transportation infrastructure (including parking). Many of these issues are already being raised through existing development review and engagement processes and may be intensified by the Provincial changes.

For context, the County's current Zoning Bylaw establishes minimum lot sizes of approximately 360 square metres for single detached dwellings and 185 square metres for townhouses. Recent Provincial direction and market realities seem to be leaning towards townhouse-oriented built form. However, recognizing to account for matters such as grading, drainage, driveway access and on-street parking, Staff are recommending that commentary be provided on scaling the lot size to the built form, rather than a standard minimum across all dwelling types. 175 square metres may be adequate for townhouses, but a larger lot size minimum is recommended for single and semi-detached dwellings.

As development pressure increases, additional work will be required to clearly communicate that certain land use permissions are no longer subject to local discretion, particularly for applications such as consents. The CPPS will therefore be critical in providing clear design context to guide the integration of more compact development forms. Through the CPPS, future policy will prioritize built form, streetscape relationships, and integration with surrounding development, shifting away from prescriptive numerical standards toward a more form-based planning approach

Increased density will have implications for engineering, particularly with respect to drainage, stormwater management, and overall servicing capacity. These issues are being discussed in detail to be addressed through updated engineering standards, or CPPS-enabled Facilities, Services, and Matters that support neighbourhood functionality and community sustainability. To ensure successful implementation, the CPPS will need to recognize development feasibility by offering clear benefits or incentives to proponents, while maintaining a public interest lens.

Collectively, these changes reflect a shift away from local discretion over what is permitted and where, toward a role in shaping how development fits within its context. While the tools to do this are limited, the CPPS will be the primary tool to guide built form and neighbourhood integration in a way that the standard model of zoning/site plan control cannot.

Bill 98 Technical Briefing Highlights

In addition to the ERO postings, *Bill 98* was accompanied by a [briefing](#) from the Province that outlines additional proposals not currently included in the legislation. The following items are not currently included in *Bill 98* but were identified as potential future areas of reform:

- **Building Code Updates:** The Province is proposing a full review to modernize and streamline the Ontario Building Code, to reduce delays and construction costs while maintaining high health and safety standards and supporting housing affordability. The Ontario Building Code has grown increasingly complex and costly, with some requirements creating unnecessary burdens without improving safety.
- **Development Charges:** The Province is examining and consulting on the disclosure of Development Charges (DCs) and other previously hidden fees in new home purchase agreements. This work is focused on assessing how greater transparency could improve cost predictability for buyers. Although this shifts the cost blame onto municipalities, DCs are a key charge that support growth paying for growth. Public education will be an important next step for Council and Staff to connect those financial dots and how costs get past through developers to the public.
- **Road Standards Harmonization:** The Province is proposing to standardize municipal road construction requirements by Ontario Provincial Standards for key elements such as materials, drainage, and contract conditions. This approach is intended to improve consistency, streamline procurement, and reduce construction timelines and costs.
- **Communal Water and Wastewater Systems:** The Province is proposing a new regulatory framework to support expanded use of communal water and wastewater systems in rural and unserved areas. The framework would enable development where full municipal servicing is unavailable, while ensuring Provincial oversight, long-term sustainability, and streamlined approval processes. Staff have been aware that this is a possibility, knowing that the Province is opening this form of servicing and are looking forward to understanding best practices.

Recommendation and Next Steps

At Council's direction, Staff will submit consolidated municipal comments to the Environmental Registry of Ontario by the May 14th, 2026, deadline, informed by this report and Council discussion. The County's submission will be shared with Council through a Friday File memo, noting that all ERO comments are publicly available. Staff will also monitor submissions from key stakeholders, including the Association of Municipalities of Ontario, and the Ontario Federation of Agriculture, and report any significant implications to Council.

As staff prepare comments on recent legislative changes, it is recognized that growth in the County of Brant is an established reality driven by Provincial policy, housing demand, and long-term population trends. While community concerns remain important, the County's role is increasingly focused on shaping how growth occurs rather than whether it occurs. Provincial changes, including *Bill 98*, reinforce this shift. Ongoing work to implement the Official Plan, advance the CPPS, and undertake integrated planning initiatives reflects the County's commitment to coordinated and proactive growth management. By aligning development with local infrastructure capacity, design objectives, and community context, the County can strengthen its influence over development outcomes and reduce the risk of externally imposed decisions.

Attachments

Attachment 1 - *Bill 98* Environmental Registry of Ontario Proposals

Attachment 2 - *Bill 98* Environmental Registry of Ontario Decisions

Attachment 3 - *Bill 98* Provincial Briefing

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By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No