

# More Bills, More Regs, More Bills: Province of Ontario Continues to Propose Sweeping Changes to Municipal and Planning Systems with Draft Release of Bills 98 and 100

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Benjamin Franklin once noted that there were two certainties in life: death and taxes. To this list, we can now confidently add a third certainty, being the Province of Ontario (the “**Province**”)’s perpetual changes to the municipal planning and development system.

Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026* (“**Bill 98**”), was introduced in the legislature on March 30, 2026. Currently before the Standing Committee, Bill 98 proposes changes to the Building Code Act, 1992 (the “**BCA**”), the *City of Toronto Act, 2006* (the “**COTA**”), the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act**”), the *Planning Act*, R.S.O. 1990, c. P.13 (the “**Planning Act**”), and the *Development Charges Act, 1997*, S.O. 1997, c. 27 (the “**DCA**”) regarding development matters. Bill 98 also proposes to amend the *Metrolinx Act 2006*, S.O. 2006, c. 16, introduces the *Fare Alignment and Seamless Transit Act, 2026*, and makes a host of changes to Ontario’s water-servicing acts. For the purposes of this article, we detail Bill 98’s proposed changes to the *BCA*, the *DCA*, *COTA*, the *Municipal Act*, and the *Planning Act*.

Days following the release of Bill 98, on April 2, 2026, the Province also released Bill 100, the *Better Regional Governance Act, 2026* (“**Bill 100**”). Bill 100 makes additional changes to the *Municipal Act* and the *Municipal Elections Act, 1996* (the “**Municipal Elections Act**”) in relation to the governance structures of certain upper-tier municipalities.

The Minister of Municipal Affairs and Housing is also currently seeking feedback on multiple proposals before the Environmental Registry of Ontario (the “**ERO**”). We detail these proposals throughout this article. A full list of the ERO postings, and the associated deadlines for response, are listed at the end of this article.

## Removal of Municipal Building Controls for Protection or Conservation of the Environment

Bill 98 proposes to enact a new provision within the *BCA* clarifying that municipal by-laws prescribing construction standards for the protection or conservation of the environment are deemed to be by-laws respecting the construction or demolition of buildings.

Because the *BCA* and the Building Code already supersede all municipal by-laws respecting building construction or demolition, and because municipalities no longer have authority to pass such by-laws pursuant to changes enacted in 2025 through [Bill 17](#), the *Protect Ontario by Building Faster and Smarter Act, 2025*, this amendment would, in effect, eliminate the force of existing municipal environmental construction standards and prevent the enactment of new ones.

Bill 98 similarly proposes to amend sections within *COTA*, the *Municipal Act 2001*, and the *Planning Act* such that municipalities can no longer subject site plan applications to by-laws prescribing environmentally friendly construction standards, even if such by-laws have not been repealed by the municipality.

Lastly, Bill 98 proposes to remove the ability for the Minister to prescribe regulations detailing environmental construction methods or conditions, and the ability for municipalities to codify same within their by-laws.

### **Removal of Development Charges for Non-Profit Retirement Home**

Bill 98 proposes to amend the *DCA* to provide that the development of buildings or structures intended for use as a “retirement home” by a registered Not-for-Profit corporations are exempted from the payment of development charges. A retirement home must be as defined within the *Retirement Homes Act, 2010*, and a Not-for-Profit Corporation must be either a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, or a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, and must be in good standing under the applicable Act.

This addition appears to build upon the existing exemption for non-profit housing development that is included within subsection 4.2 of the *DCA*.

Development Charges would continue to be payable for such retirement homes where payable on the date before Bill 98 receives royal assent.

### **Standardization of Official Plans**

In 2025, the Province first [sought public feedback](#) on proposed legislative and regulatory changes to standardize official plans throughout Ontario. Bill 98 has now introduced legislative updates with the specifics of the proposed standardization. This includes 10 standard chapters with standardized sub sections and a standardized set of Schedules and Appendices to be included at chapter 11. Bill 98 also proposes a standardized set of twelve (12) land use designations, which are the only land use designations which may be used in the official plans of lower- and single-tier municipalities. Within these land use designations, Bill 98 provides certain land uses which must be authorized. The Minister may direct that a land use designation may be implemented through two or more sub-designations. Bill 98 clarifies that such proposed directions are not to be construed as regulations.

The specific chapter order, names and schedules of the proposed official plan chapters, as well as the standardized set of land use designations can be found in the [ERO posting](#). In reviewing the chapters and sections included in Bill 98 and the ERO posting, we note that there are no chapters or sections that have titles related to affordable or attainable housing, climate change, or urban design.

Under Bill 98, the proposed twelve land use designations are as follows:

- Neighbourhoods;
- Mixed Use Areas;
- Mixed Use Commercial Areas;
- Employment Areas;
- Major Facilities;
- Parks and Open Spaces;
- Natural Environment and Water Resource Areas;
- Resource Areas;
- Rural Lands;
- Prime Agricultural Areas;
- Specialty Crop Areas; and
- Shoreline Areas.

We note that certain designations, such as “institutional” are currently standalone designations in some municipalities. However,

under the proposed standardized framework, institutional would only be considered a permitted use within certain designations, rather than a designation in and of itself. It remains to be seen how other common and presently used land use designations, such as utility, waste, and airport designations will be categorized within the proposed standardized designations within each municipality.

Bill 98 also provides a transition framework for these changes. Bill 98 notes a list of municipalities that correspond to the Large and Fast-Growing Municipalities found in the Appendix to the Provincial Planning Statement 2024, for which the transition date is January 1, 2028. The transition date for all other municipalities is January 1, 2029. Bill 98 provides that the former official plan framework continues to apply to a municipality until the day on which a new official plan or a revision of the official plan is adopted through a section 26 exercise after the applicable transition date. A section 26 exercise is an update to an official plan to bring it into conformity with provincial plans and into consistency with policy statements, such as the PPS, 2024. Municipalities are required to do so no less frequently than 10 years after an official plan first comes into effect as a new official plan; and every five years thereafter.

We understand this to mean that, for example, a Large and Fast-Growing Municipality that adopted a new official plan in 2026 would not be affected by Bill 98's new official plan structure until its next section 26 official plan update, which would be in 2036. A municipality that revised its Official Plan in 2026 would not be required to update its official plan structure until 2031. Changes to the structure of official plans are proposed to come into force on a day to be named by order of the Lieutenant Governor in Council.

The Province is also seeking comments regarding proposed modifications for official plans of upper-tier municipalities, secondary plans, and site- and area-specific ("SASP") policies through an [ERO posting](#). The proposed modifications for official plans of upper-tier municipalities include limiting duplication with official plans of lower-tier municipalities by creating specific land use designations that only apply to official plans of upper-tier municipalities with planning responsibilities. Additionally, the Province is seeking comments about whether the standardized table of contents, schedules, and land use designations proposed in Bill 98 should be modified for upper-tier municipalities with planning responsibilities. The potential changes for secondary plans and SASPs include identifying the types of areas where secondary plans could be used, separating secondary plans from the primary official plan, and exempting secondary plans from Minister's approval.

### **Ministerial Approval of Official Plan Amendments to Protected Major Transit Station Areas**

Additionally, Bill 98 proposes to expand instances in which the Minister must approve an official plan amendment in a protected major transit station area ("PMTSA"). The *Planning Act* currently mandates ministerial approval for amending policies within a PMTSA respecting the minimum number of jobs and residents per hectare, the authorizes uses of land buildings or structures, and minimum building densities within a PMTSA. Bill 98 would expand this list, such that Ministerial approval would be required where proposed official plan amendments would amend or revoke the delineation the PMTSA boundaries.

### **Complete Applications**

Keeping in the theme of standardization, the Province is also seeking feedback on a proposed standardized list of information that planning authorities can require for complete applications. The complete proposal can be found in the [ERO posting](#). The stated purpose for this is to achieve greater clarity and predictability regarding complete application requirements across Ontario. The proposed provincial list is not a mandatory list to be used for each planning application, but rather a list of information and materials from which municipalities can determine what is required for a specific application.

The proposed provincial list is categorized into two areas, being (1) core studies, and (2) contingent studies.

Core studies are those that could always be required in assessing planning applications. They are meant to address fundamental planning and engineering matters such as environmental impacts, existing servicing capacity, transportation impacts, and public health and safety. Examples of core studies include Environmental Impact Statements, Functional Servicing Reports, and Planning

Justification Reports.

Contingent studies are those studies that could only be required when a specific on-site or surrounding condition exists in the local municipality that makes the study relevant for the specific application. Examples of contingent studies include Agricultural Impact Assessments, Economic Viability Assessments, and Noise/Vibration Studies. Notably, the list of contingent studies does not include Urban Design rationales.

The Province is also seeking additional feedback in line with the changes made in 2025, which allowed the Minister to require that municipalities accept studies from certified professionals in professions specified in regulation, without requiring any study revisions. Regulations were enacted in January 2026 to specify professional engineering as a “prescribed profession” for the purposes of a complete application. The Province is now seeking comments on adding additional certified professionals including registered landscape architects. The complete proposal can be found in the [ERO posting](#).

### **Minimum Lot Sizes**

Bill 98 also proposes to give the Minister the power to make regulations setting the minimum area of a parcel of urban residential land that is not in the Greenbelt Area. A parcel of urban residential land is defined as a parcel within the settlement area of a municipality that is zoned for residential use (other than as an ancillary use) and is fully serviced by public sewage and water. The Province is also requesting feedback through an [ERO posting](#) that proposes the minimum lot size to be 175 square metres.

If enacted, and a minimum parcel area is prescribed (be it 175 square metres or otherwise), provisions within municipal by-laws that mandate larger minimum lot area sizes, or that mandate minimum frontages and depth requirements that *de facto* lead to a greater minimum lot area, would be of no force and effect. Resultingly, consent applications on urban residential land that results in lots meeting the minimum size would no longer need to seek minor variances in relation to minimum lot sizes where the application results in lot sizes that adhere to the regulations, once in effect.

### **Amendments to Site Plan Requirements: Removal of Sustainable Design Features and EV Parking Standards**

Bill 98 proposes significant amendments that narrow the scope of municipal authority at the site plan stage. Most notably, the proposed amendments would remove references to “sustainable design” as a criterion for evaluating proposed development, effectively eliminating the ability of municipalities to impose green development standards through site plan approval. The proposed amendments would also remove any requirement to provide electric vehicle supply equipment in connection with parking facilities and clarify that zoning by-laws cannot be used to require the provision or maintenance of such equipment.

Further changes are proposed regarding site plan requirements for lands adjoining highways, such as sidewalks or pedestrian clearways. Municipalities can currently require a site plan to display elements on an adjoining highway or municipal road, including trees, shrubs, hedges, paving materials, street furniture, and bicycle parking facilities for development except buildings used for residential purposes containing fewer than 25 dwelling units. Bill 98 would significantly restrict this authority by only permitting municipalities to require such elements to the extent that they are necessary to address matters of health, safety, accessibility, or the protection of adjoining lands. It remains unclear how municipalities will interpret a “necessary” design element.

The proposed changes also expressly prohibit municipalities from imposing requirements related to future to-be-prescribed matters. Where a site plan application is made before such future regulations are promulgated, the municipality may still require such prescribed matters as a condition of site plan approval, but not on the day of, or after the regulations come into force.

Separately, the Province has posted on the ERO, a [proposal to further reform site plan control](#), which would take effect through separate yet-to-be-introduced legislation or regulations. Proposed reforms being considered include:

- Removal of site plan control as a land use planning tool within the *Planning Act* and *COTA*;
- Requirements for municipalities to have a maximum of three site plan circulations, after which a mandatory meeting would be triggered with all relevant municipal department representatives and the applicant to work through and resolve all outstanding issues;
- Establishing or requiring municipalities to establish an arbitration process or site plan review panel, for site plan applications that have exceeded the legislated 60-day approval window for site plan approval, or that have exceeded a specified number of circulations. The process would act as an alternative to a hearing at the Ontario Land Tribunal, and participants in this process would include the applicant and the municipal development review team;
- Establishing, or requiring municipalities to establish different site plan approval “streams” for different kinds of proposed development, with a corresponding scope of matters that may be controlled. This would limit the “full” site plan approval process to larger, more complex development proposals, with a correspondingly narrower range of matters subject to regulation through site plan control. Smaller or less complex developments would be directed to more expedited approval streams or, in some cases, exempted from site plan control altogether; and
- The removal of the ability for municipalities to request additional studies and plans beyond what is included in a standard site plan approval checklist. This “standard checklist” would be further scoped from what is provided within 41 of the *Planning Act* and section 114 of the *COTA* and would largely confine site plan control to matters of health and safety only. This follows the Province’s changes to site plan control under Bill 17 in 2025 (which we detailed [in a separate article](#)), which prevented municipalities from introducing new materials in support of a complete planning application after May 12, 2025, without Ministerial approval.

### **Phased Removal of Simcoe County as Upper-Tier Municipality without Planning Responsibilities, and Exceptions to Conformity with Upper-Tier Municipal Official Plans**

In 2022, the Province, through Bill 23, the *More Homes Built Faster Act*, amended the *Planning Act* to designate certain “upper-tier municipalit[ies] without planning responsibilities” at future dates, including Simcoe County. In the years since Bill 23’s enactment, the Province has incrementally passed legislation that added certain upper-tier municipalities to this list, while provisions removing those planning responsibilities came into force and effect.

Bill 98 proposes to remove the planning responsibilities of Simcoe County incrementally, rather than all at once:

- Simcoe County will lose its planning responsibilities in relation to lands located in the lower-tier municipalities of the Town of Bradford West Gwillimbury, the Town of Innisfil and the Town of New Tecumseth;
- Simcoe County will lose its planning responsibilities in relation to the lands located in any future to-be-prescribed lower-tier municipalities in the County of Simcoe; and
- Simcoe County will lose its planning responsibilities in relation to any lands in any lower-tier municipality in the County of Simcoe not mentioned or prescribed above.

These changes are in alignment with those introduced in Bill 100, which we detail below, and would make it such that any new lower-tier municipalities within the County are never subject to the County’s planning authority. The proposed changes would come into effect on a future date to be proclaimed by the Lieutenant Governor in Council but be retroactive to the date that Bill 98 receives Royal Assent.

In addition to the above, Bill 98 proposes to provide the ability for the Minister to create regulations prescribing certain lower-tier municipalities where the official plans of same would not need to conform with the official plan of an upper-tier municipality. As of the time of writing, it remains unclear whether these to-be-released regulations would apply to lower-tier municipalities outside of Simcoe County.

Lastly Bill 98 proposes to exempt by-laws adopting official plans or official plan amendments from needing to be in conformity with an upper-tier municipality's official plan, where the official plan in question is subject to a Ministerial Order removing the upper-tier municipality as an approval authority for the official plans of lower-tier municipalities.

### **Standardization of parkland dedication requirements**

Bill 98 proposes modifications to the parkland dedication provisions under the *Planning Act* which were introduced in 2022 through Bill 23 but remain to be proclaimed into force and effect. The Bill 23 changes contemplated an "owner initiated" conveyance of land, or an easement in land, to a municipality, to satisfy some or all the municipality's parkland dedication requirements. Bill 98's proposed changes, in addition to bringing these changed into force and effect, would now clarify that that any easement received pursuant to such a conveyance is valid, regardless of whether the municipality owns adjacent lands that are capable of being accommodated or benefitted by the easement.

Bill 98 would further clarify that where land, or an interest in same is conveyed to a municipality, a minimum of 70% of that land (or a greater figure, as determined by the municipality) shall count towards the parkland dedication requirements set out in the municipality's parkland dedication by-law.

Such owner-initiated parkland conveyances may be accepted or refused by the municipality, and where refused, appealed to the Ontario Land Tribunal. The province is also proposing a non-decision appeal right with respect to such owner-initiated conveyances.

### **Changes to Ministerial Zoning Orders**

Commensurate with the proposed restrictions municipally implemented building by-laws, zoning, and site plan controls, Bill 98 proposes to also restrict Ministerial Orders, such that they cannot impose conditions related to sustainable design features or to environmentally friendly building construction standards.

Additionally, Bill 98 proposes to eliminate requirements for the Minister to provide notice where they amend or revoke a ministerial zoning or site plan order, or to allow a period of time for the submission of representations in respect of the amendment or revocation. Existing notice requirements would continue to apply to the passage of new Ministerial Zoning Orders.

### **Bill 100's Changes to Regional Governance Structures**

Bill 100 proposes changes to regional governance structures. Bill 100 proposes to permit the Minister, by Order, to appoint a head of council following the regular 2026 election and every subsequent election for the following upper-tier municipalities: Regional Municipality of Durham, Regional Municipality of Halton, District Municipality of Muskoka, Regional Municipality of Niagara, Regional Municipality of Peel, County of Simcoe, Regional Municipality of Waterloo, and Regional Municipality of York (the "**Noted Municipalities**"). Bill 100 also proposes to permit the Minister to remove a head of council appointed by the Minister or by the council and, appoint a new head of council.

Bill 100 also proposes to permit the Minister to make regulations which would prescribe powers and duties of an appointed head of council. No such regulations have yet been introduced. However, [commentary provided by the Province](#) in its release of Bill 100 notes that the appointed heads of council are to receive "strong chairs" powers which mirror the "strong mayors" powers which were initially introduced in 2022 through Bill 3, the *Strong Mayors, Building Homes Act, 2022*.

Bill 100, if passed, would permit the Minister to make regulations governing the votes of the members of an upper-tier municipality, including the allowance of "weighted" voting where a member may receive more than one vote. This provision appears to apply to all upper-tier municipalities, and not just the Noted Municipalities.

In addition, Bill 100 would change the composition of the County of Simcoe council to an appointed head of council and 16 other members, consisting of the head of council of each lower-tier municipality in the County of Simcoe. Similarly, the Regional Municipality of Niagara council would be changed to an appointed head of council and 12 other members consisting of the head of council of each lower-tier municipality in The Regional Municipality of Niagara.

### Future Changes Proposed through ERO

The Province's proposals, which encapsulate both the changes contemplated through Bill 98, and future to-be-released legislation or regulations, are contained below.

### ERO Proposal

**Deadline for Comment and Link to Proposal**

Draft Projection Methodology Guideline (PMG) to support the implementation of the Provincial Planning Statement, 2024 (PPS, 2024)

[For more information or inquiries:](#)



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