

Minister of Municipal Affairs and Housing Draft Bill 23 Response Letter

**Ministry of
Municipal Affairs
and Housing**

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Ontario

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Re: Municipalities with an Interest in Green Standards

Dear Head of Council and CAO:

Ontario municipalities have been developing green standards that have introduced leading practices in North America for promoting energy efficiency, environmentally friendly landscaping, bird-friendly design and other important sustainable design measures.

We have heard from municipalities, building owners and occupants, design professionals and the general public about the importance of these green standards. The innovative approaches being implemented through the site plan control process will help move Ontario sooner to the goal of net-zero emission communities.

It was not the intention of the government through Bill 23, *The More Homes Built Faster Act, 2022*, to prevent municipalities from using site plan control to promote green standards. One of the objectives was to focus site plan reviews on health and safety issues rather than architectural or decorative landscape details that increase costs and create unnecessary delays.

Bill 23 was amended to maintain important *Planning Act* provisions related to sustainable design of landscape elements and to provide municipalities with the option to require site plan drawings to show municipal green building construction requirements that will be authorized by the Building Code and established by municipal by-law.

The government recognizes the important work being done by municipalities through green standards to encourage green-friendly development and is committed to supporting these efforts.

While the Building Code already contains high standards for energy and water conservation more needs to be done. As a first step, the Ministry plans to commence discussions in the near term with municipalities, builders, designers, manufacturers, and building officials to develop a new and consistent province-wide approach for municipalities wanting to implement green building standards that are above the minimum requirements in the Building Code.

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We plan to work with interested municipalities and other stakeholders on transitioning certain green building standards related to building construction (which are currently being implemented through the site plan process) into the Ontario Building Code. This will be achieved through an interim Building Code amendment by the summer of 2023.

For municipalities interested in promoting leading practices, this approach would maintain consistent construction standards in Ontario that provide important benefits to building product manufacturers, designers and builders, while also continuing to demonstrate Ontario's commitment to enhancing green standards.

In addition, Ontario has consulted on advancing harmonization of energy efficiency requirements in buildings by aligning Ontario's Building Code with selected National Code tiers as minimum energy efficiency requirements in the next edition of the Code in 2024.

In future editions of the Building Code, Ontario will work within the National Code development system to promote further alignment of national, provincial and municipal requirements for energy efficiency and other relevant green building standards.

I also wish to clarify that aspects of green standards that are not brought into Ontario's Building Code because they do not involve building construction (including green infrastructure, cool paving, biodiversity, tree plantings etc.) will continue to be optional standards that can be required through municipal by-law and implemented through site plan control. To ensure these matters are understood, the Ministry plans to update its online site plan guidance to reflect Green Building Standards early in 2023.

During the transition period, until the green standards are authorized in the Building Code, we would anticipate that municipalities will continue to use site plan control to address green standards to the extent possible.

I have asked Mansoor Mahmood, Director of the Building and Development Branch, to connect with municipal officials on the proposed green standards to be included in the Ontario Building Code. He can be reached at 416-992-2855 or mansoor.mahmood@ontario.ca.

Sincerely,



Steve Clark
Minister

- C. Chief Administrative Officers
Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing
Mansoor Mahmood, Director, Building and Development Branch