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**West End Home Builders' Association Submission - ERO 025-0462 – Complete Application**

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## **The West End Home Builders' Association**

The West End Home Builders' Association ("WE HBA") is the voice of the land development, new housing and professional renovation industries in Hamilton, Burlington, and Grimsby. WE HBA represents 320 member companies made up of all disciplines involved in land development and residential construction. In the Hamilton CMA in 2023, residential construction contributed over \$3.8 billion in investment value and provided nearly 17,000 jobs paying about \$1.2 billion in wages. WE HBA notes that these economic indicators are in rapid decline as housing starts continue to drop.

The WE HBA is coordinating our public policy response with regards to the proposed regulations under the *Planning Act* to regulate complete application requirements (study/report requirements) and submissions from certified professionals with the OHBA. WE HBA fully endorses the Ontario Home Builders' Association (OHBA) recommendations and submission – WE HBA is simply submitting a letter to the Environmental Registry to provide context on the need for provincial intervention to standardize and regulated complete application requirements due to our members experience in the City of Hamilton, which has nearly 100 study and report requirements.

## **The Environmental Registry Background**

The government is seeking feedback on proposed regulations under the Planning Act and the City of Toronto Act, 2006 to regulate complete application requirements (study/report requirements) and submissions from certified professionals.
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## **WE HBA Support for Bill 17**

Please accept the following as our submission in support of the OHBA submission on regulations related to Bill 17. Across Canada, our provincial and national governments are focused on harmonization to break down trade and supply chain barriers. Bill 17 demonstrates strong provincial leadership to reduce the number of municipal planning studies and to standardize building and planning regulations for one Ontario Building Code. Harmonization will help us get shovels in the ground to protect jobs and build desperately needed housing.

## **Rationale to Support Provincial Regulation of Complete Application Requirements**

The provincial government has an opportunity to promote the establishment of regulations that implement a comprehensive approach to confronting the housing crisis that reflects this government's long held values and principles.

WE HBA notes again, we fully endorse the Ontario Home Builders' Association (OHBA) recommendations and submission. We note that municipalities are responsible for having an Official

Plan that is up-to-date and which addresses community planning and development issues and that it is inappropriate for local municipalities to request the proponents of individual planning applications to complete broad studies that extend to matters beyond the limits of a development site and out of date local planning policies. These types of studies are a municipal responsibility that should not be downloaded to proponents of planning applications – an issue many of our members experience regularly in Hamilton and Burlington.

WE HBA further notes that Section 41(4)2 of the *Planning Act* clearly indicates that Site Plan Approval includes a conceptual building on a defined site. Our members in Hamilton and Burlington are increasingly requested to provide detailed information related to the interior design of the building and off-site related matters which contravenes the *Planning Act*. Lastly, for context for our support of the OHBA recommendations, WE HBA notes that Municipal Guidelines are just that, guidelines. As such they have no statutory authority under the *Planning Act* and should not be given the same weight as existing and approved statutory policies and regulations. In many instances guidelines, including green standards (as further detailed in the next section) and other requested submission materials inappropriately frustrate the approval of new housing supply.

The design of buildings and construction related matters are distinct and separate from approvals required under the *Planning Act* and the policies included in approved local planning instruments and permitting processes. WE HBA is supportive of the Provincial Government establishing a more consistent approach in Hamilton, Burlington and Grimsby and throughout the province. Our members should not encounter drastically different standards and study requirements from one municipality to the next.

### **City of Hamilton – Context from the City Ranking Dead Last in Municipal Planning Timelines According to a National Municipal Benchmarking Study**

Hamilton ranks last among major Canadian cities in housing approval timelines, per the latest Canadian Home Builders' Association (CHBA) [Municipal Benchmarking Study](#), prepared by the Altus Group. This decline is alarming —15th in 2020, 18th in 2022, and now last. Excessive red tape, high municipal charges, and an uncompetitive investment climate have made housing development inefficient and financially unsustainable in Hamilton. Investors are choosing elsewhere, while Hamilton struggles with housing supply shortages and affordability issues.

In the current economic environment, these delays have serious long-term consequences. New housing starts are almost non-existent, and sales have evaporated, leading to fewer long-term jobs for tradespeople and construction workers. Coupled with broader economic challenges, such as trade uncertainty with the United States, the continued slowdown in housing construction will add further strain to our affordability crisis as well as our already fragile local economy. This presents opportunity for provincial leadership to improve local municipal performance.

## Municipal Benchmarking Study **HAMILTON**

### OVERALL RANKING

Hamilton slipped from 15th place in the 2022 study to 19th place in the 2024 study.

Rank	Municipality	Planning features (1=Best)	Approvals timelines (1=Best)	Government charges Low-Rise (1=Lowest)	Government charges High-Rise (1=Lowest)
1	Edmonton	6	4	8	9
2	Halifax	1	13	6	2
3	London	5	7	9	15
4	Regina	14	3	5	8
5	Calgary	7	6	13	10
6	Moncton	18	2	1	1
7	Charlottetown	22	5	2	3
8	Kelowna	15	8	11	5
9	Kamloops	21	10	7	6
10	Surrey	11	9	14	13
11	Saskatoon	16	1	18	7
12	St. John's	20	12	3	4
13	Ottawa	8	17	10	16
14	Winnipeg	23	14	4	11
15	Oakville	4	15	21	21
16	Burnaby	17	18	16	14
17	Vancouver	12	11	17	12
18	Brampton	9	16	20	20
19	Hamilton	10	23	12	17
20	Pickering	13	19	19	18
21	Toronto	3	22	23	23
22	Markham	2	20	22	22
23	Bradford West Gwillimbury	19	21	15	19



This study compares 23 Canadian municipalities, examining how their processes, approvals timelines, and government charges and fees contribute to housing affordability and supply issues in major housing markets across Canada.

Whether at the top or the bottom of the list, each city can learn from best practices of others and continue to improve.



AltusGroup

The CHBA / Altus study benchmarks municipalities based on three key development features: municipal fees; length of time for residential development applications to move through the development application process; and features.

The National Benchmarking Study reveals a few successes and areas of major concern in Hamilton when compared to peer cities across Canada. The City of Hamilton ranks dead last out of 23 peer cities across Canada in terms of planning approval timelines. Another major concern identified in the Benchmarking Study is that Hamilton requires more documents and reports to be prepared by consultants for municipal review (93) compared to the Canadian average (50). The Benchmarking Study notes Ontario municipalities typically require twice as many reports as part of the planning process than their peers across Canada.

WE HBA notes we are supportive of legislative amendments in Bill 17 that introduce a new provision to the *Building Code Act, 1992* (BCA) that states that the natural person and broad authority powers under the *Municipal Act, 2001*, do not authorize municipalities to pass by-laws respecting the construction or demolition of buildings. This provides greater clarity to section 35 of the BCA, which already states that the BCA and the Ontario Building Code (OBC) supersede all municipal by-laws for the same purpose. However, WE HBA remains concerned that many aspects of so called “Green Building Standards” or “Green Development Standards” may remain in effect utilizing the *Planning Act* as a vehicle for implementation.

Bill 17 proposes to through ERO 025-0462 to introduce regulation-making authority to limit the information that a municipality may require as part of a complete application. The proposed regulation identifies sun/shadow, wind, urban design and lighting studies among the list of prohibited topics and also proposes to require a municipality to accept certain information and materials if they are prepared by prescribed professionals, such as professional engineers. WE HBA supports these initiatives.

Total Application Submission Requirements, by Document Type, by Municipality, 2024

Municipality	Requirement Type				Total
	Plan	Report	Form	Draft	
Toronto	27	30	2	3	62
Ottawa	9	31	0	0	40
Hamilton	11	29	5	0	45
Hamilton Phase 2	21	66	5	1	93
Halifax	25	22	0	0	47
Edmonton	14	23	0	0	37
Calgary	16	23	0	0	39
Winnipeg	10	17	7	0	34
<b>Average</b>	<b>17</b>	<b>30</b>	<b>2</b>	<b>1</b>	<b>50</b>

Note 1: Listed requirements that were excluded include planning application forms, related fees, and signage requirements.

Note 2: Hamilton Phase 2 is inclusive of both current and future study requirements.

Note 3: Total average is inclusive of Hamilton Phase 2 and excludes the other accounting for the city.

Source: Altus Group Economic Consulting, based on Municipal Official Plans

Hamilton currently has up to 93 submission requirements. WE HBA notes that Hamilton's proposed Green Building Standards would establish even more new submission requirements for complete site plan and draft plan of subdivision applications. Applicants would be required to complete a checklist which includes over 30 additional mandatory metrics that involves the addition of a letter, document, study, plan, or report; the modification of information already submitted as part of a complete application to include additional elements; or is information required elsewhere in entirety. This would be an incredible additional regulatory burden in additional study requirements *alone*, on top of fulfilling the actual requirements themselves. Newly proposed regulations under the *Planning Act* to regulate complete application requirements through Bill 17 must address the expansion of municipal jurisdiction and scope creep into new areas of control.

WE HBA wishes to share one single example – while fairly simple, and inexpensive itself – this is a clear demonstration of massive municipal over-reach in terms of complete application study requirements.

**City of Hamilton Green Building Standard Example**

Item # WM2.2 Tier 1, Applicable to Part 3 & Part 9 (Residential)

Metric: Design kitchen cabinets to accommodate space for the separate collection of recycling, organics and garbage

Documentation: **Site Plan Application Submission:** A Letter of Commitment signed by a qualified professional (Architect) and the owner/developer/builder that includes confirmation that requirements of this metric will be met. **Post Construction Submission:** Drawings or plans indicating the designated space.

Details: 1. Provide "built-in" storage including at least three separate storage containers for segregated storage and collection. 2. Minimum dimensions for storage bins: 8.5L each bin for garbage and organics and 18L bin for recycled materials. 3. Refer to O. Reg. 103/94, where applicable.

WE HBA commends the government on its continuous work and efforts to reduce policy duplication, streamline processes, and to standardize and harmonize planning policy across Ontario.

Regards,



Mike Collins-Williams, MCIP, RPP  
Chief Executive Officer  
West End Home Builders' Association