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May 14, 2026

Hon. Robert J. Flack, Minister  
Ontario Ministry of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor, Toronto ON M7A 2J3

RE: [Bill 98](#) and responses on related ERO postings

Honourable Minister Flack,

On behalf of the Federation of Ontario Cottagers' Associations (FOCA), directly representing the voice of 50,000 families in over 550 community associations across rural waterfront Ontario, we are pleased to provide the following comments on Bill 98, the *Building Homes and Improving Transportation Infrastructure Act, 2026* and related postings on the Environmental Registry of Ontario (ERO).

FOCA's vision is to sustain and enhance the cottage experience for generations. Our mandate is to protect natural ecosystems, which directly sustain local economies, water quality, and quality of life. Our constituents represent a powerful economic force, owning over \$75 billion in real estate, and collectively contributing over \$11.4 billion in annual spending to support 157,000 Ontario jobs ([2022 figures](#)).

FOCA has several concerns with the proposed Bill 98 and related ERO postings, as outlined more specifically by ERO# on the following pages. In general, FOCA reiterates what we said to the province in a 2022 Bill 23 response:

***As Ontario moves ahead with their plans for more housing with Bill 23, FOCA has many concerns about the impacts on community planning, natural heritage, and long-term affordability of the proposed changes. FOCA looks for the following in our review of the proposed changes:***

- *effective public participation, and transparent decision-making;*
- *adequate protection of water, wetlands, forests, natural heritage, biodiversity, hazard, and flood protection;*
- *promoting healthy rural economies;*
- *climate resilience.*

As one of many impacts, the earlier Bill 23 had removed site plan controls, which FOCA opposed. In the decision on ERO 019-6822 in 2023, FOCA had been pleased to see that the province restored the ability for site plan control to be applied to waterfront development within 120 meters of a shoreline. It is therefore distressing to us in May 2026 to see the province re-introducing an amendment to limit site plan control. FOCA urges the province to reconsider this proposal.

Specifically, **site plan control authority is an essential tool for municipal government to achieve larger community goals**, especially when it comes to protecting water sources, reducing erosion, maintaining vegetative buffers on shorelines, and waterfront aesthetics by planning out septic systems, wells, outbuildings, setbacks, and other conditions that can have a massive overall impact on water quality and natural experience. **These powers should be maintained to preserve the livability and sustainability of our rural communities.** The ability to use site plan control, and by extension landscaping measures, is a key planning tool for ensuring sustainable shoreland management in many municipalities across Ontario.

The proposal to “scope the site plan review process to a standard site plan approval checklist of functional aspects of a site (e.g., those related to health and safety)” fails to consider many significant local considerations. FOCA opposes the wording of the proposal that states, “A municipality is not permitted to request additional studies and plans beyond what is included in the standard site plan approval checklist.”

In rural areas and cottage country Ontario, one size does not fit all. Our municipalities need the flexibility to ensure that development can be accommodated while protecting the environment that supports and drives the economy there. The reasons to maintain site control along our rivers and shorelines remain as relevant today as they did when they were restored after Bill 23.

### FOCA’s Comments by Related ERO:

1. [ERO 026-0300](#) – ***Streamlining the information and material that planning authorities can require as part of a complete application:***

FOCA supports the concept of a standardized structure for local (lower- and single-tier municipality and planning board) OPs, through use of a table of contents and schedules **as long as this is the minimum standard, and not a maximum limit** on the information that an individual municipality deems important to include in a local OP to meet unique local needs and priorities.

FOCA notes that the proposed table of contents (TOC) is directed toward development and growth, and fails to address ecosystems, biodiversity, the impacts of a changing climate, or environmental protections; for example, mention of ‘water’ and ‘natural environment’ is relegated to the Schedules. Compare the proposed TOC to that of the recent [District of Muskoka OP](#), which addresses many additional considerations common in rural waterfront municipalities (that may not apply equally to urban municipalities) such as the importance of natural heritage, watershed and sub-watershed planning, focusing new development in designated growth areas, promoting sustainable development and healthy communities, protecting cultural heritage landscapes, and itemizing the OP implementation planning process including public participation and consultation. Cottage country municipalities deserve the flexibility to address local priorities and implement related bylaws to protect waterfronts because of their economic value to these areas.

FOCA disagrees with the Province’s proposal to remove from the *Planning Act* requirements for municipalities to include **climate change** in their OPs. As the impacts of our changing climate are [experienced first-hand](#) by rural waterfront municipalities in the form of fire or flood threats, local preparedness, response, mitigation, and adaptation strategies become progressively more important for municipalities. Increasingly extreme weather events and fluctuating water levels impact our resources, our economy, and our way of life as Ontarians – particularly as rural waterfront residents. Driving development with reduced environmental and planning oversight does not “remove redundancy”; rather, it increases the likelihood of homes and infrastructure being approved in flood-prone, wildfire-prone, or otherwise environmentally sensitive areas. This exposes homeowners, municipalities, insurers, and emergency services to greater financial and public safety risks, while shifting the long-term costs of disaster response, recovery, infrastructure damage, and environmental remediation onto communities that are often ill-equipped to absorb them.

We take this opportunity to reiterate that FOCA disagrees with the province’s move to amalgamate local Conservation Authorities (that can currently tailor service response to local priorities) and replace them with standardized broad regional entities. Democratically elected municipal government should respond to local needs and must not be constrained by provincial priorities. Similarly, a one-size-fits-all OP should not be imposed equally to cities the size of Toronto and small rural municipalities like the Township of Cockburn Island (Manitoulin) – the smallest Ontario municipality, consisting largely of seasonal waterfront residents.

FOCA is wary of the proposal to provide the Minister “with authority to **exempt lower-tier municipalities** from requirements to conform with upper-tier OP to facilitate implementation of testing for the proposed OP framework”. This decision reverses ongoing efforts in regions like [Haliburton County](#) to ensure that regional shoreline and water quality protections, achieved through shoreline setbacks and tree cutting regulations, are not undermined by lower-tier OP decisions. Similarly, the District of Muskoka develops the Lake Health Policy on behalf of the lower tier who adopt the provisions in support of protected water quality.

FOCA strongly disagrees with the proposal to change the *Planning Act*, *Municipal Act, 2001*, and *Building Code Act, 1992*, to **remove references to “sustainable design” from site plan control**, or to “expressly provide that mandatory **green building/construction standards** are not permitted, including as part of site plan control”. Greenhouse gas reductions happen as a result of conscious effort on the part of every development – whether for a single home or a sub-division. Greener homes can be healthier and more affordable to operate in the long run.

Finally, FOCA submits that the intention to bring these OP changes into force by January 1, 2028 for the “29 large and fast-growing municipalities” puts a heavy burden on municipalities to quickly update existing OPs – many of which are just completing updates. This will add considerable expense to already busy municipal governments and will be implemented during the municipal election period (now until October 2026) and new Council orientation (January 2027 onward), which will greatly reduce Councils’ ability to address the requirements or related costs in a proactive or timely manner. **Under the circumstances, FOCA requests that the province remove the amended OP proposal from the Bill, or extend the implementation deadline by up to four years.**

2. [ERO 026-0301](#) – ***Proposed amendments to the Water & Wastewater Public Corporations Act, 2025 and consequential amendment to the Safe Drinking Water Act, 2002:***

Bill 98 proposes to amend the Safe Drinking Water Act, 2002 so that the definition of a municipal drinking water system includes a **system owned by a corporation** designated as a water and wastewater public corporation. **FOCA is concerned about a potential loss of personal accountability** from these new incorporated public water utilities. Elected officials currently do carry some liability related to the drinking water systems run by their municipalities. FOCA notes that [public accountability](#) was one of the important results from Justice O’Connor’s Walkerton Inquiry recommendations for safer drinking water.

3. [ERO 026-0309](#): ***Proposed Regulation to Prohibit Mandatory Enhanced Development Standards as a Condition of Land Division Approvals:***

FOCA opposes the proposed Minister’s regulation “that would have the effect of removing authority to require, as a condition of land division approvals, **mandatory enhanced development standards at the lot level** (outside of building), that are not specifically required for health, safety, accessibility or protection of adjoining lands (e.g., stormwater management)”. Please review our comments about the importance of lot-level **site plan control authority** on page 1 of this letter.

FOCA opposes the proposal to create a regulation under the Planning Act “to **prohibit ‘sustainability’ conditions** as part of land division approvals”. Municipalities may have valid justification and/or local motivations to require sustainability elements that protect the environment or natural heritage features that drive tourism and ensure future economic viability.

FOCA supports the rights of municipalities to make thoughtful local decisions about the need for any enhanced development standards at the lot level, which will naturally “**vary across jurisdictions**”. Rural waterfront development plans must reflect the unique characteristics of Ontario cottage country’s tourist economy and cultural heritage; an urban solution will not fit all.

4. [ERO 026-0313](#): ***Streamlining the information and materials that planning authorities can require as part of a complete application:***

FOCA notes that “faster planning” is not always better planning, and that there are valid reasons why planning authorities in different parts of Ontario may require different studies to support planning applications.

FOCA is concerned that several studies proposed for the “Contingent” list are, in practice, “Core” requirements in many rural and waterfront municipalities, including but not limited to lakeshore capacity and water quality impact assessments, land use compatibility studies, cultural heritage impact studies, natural hazard assessments, and wildland fire evaluations. Municipalities must retain flexibility to require studies that address unique local environmental conditions, risks, and cumulative impacts.

Specifically, lakeshore capacity and water quality assessments are essential tools for protecting the long-term health of Ontario’s lakes. The scope of these assessments must consider not only immediate impacts of shoreline development, but also acute, chronic, and delayed effects on water quality over time. A narrow or short-term assessment approach risks overlooking cumulative nutrient loading, shoreline alteration, septic impacts, and increased development pressures that may compromise lake health.

FOCA also recommends greater clarity regarding the definition and scope of “water quality” in planning considerations. Water quality implications extend beyond immediate human use and include impacts to aquatic ecosystems, fish and wildlife habitat, recreational uses, and broader lake functions. Inadequate assessment of development impacts can contribute to harmful algal and cyanobacterial blooms, habitat degradation, reduced ecological resilience, and impaired enjoyment of Ontario’s freshwater resources. For these reasons, municipalities must maintain the authority to require locally relevant studies necessary to protect environmental and community well-being.

**Summary of FOCA’s comments:**

While Bill 98 is clearly focused on development in the Greater Golden Horseshoe and other large urban centres, in its current form it will have the unintended consequence of being applied to the forests and shorelines of our lakes and rivers, to the detriment of water quality and Ontario’s nature-based economy that is a resource for all Ontario residents, as well as countless visitors for tourism and recreation. The wise and sustainable stewardship of the environment must be integral to all development decisions, especially in rural watershed communities.

Specifically, **FOCA asks that site plan control be retained for Ontario’s rural and waterfront land**, and that landscaping remain a tool at the disposal of the municipality on these lands. Healthy shorelines contribute to healthy waterbodies and the conservation and protection of fish, wildlife habitat, wetlands, and related recreational and tourist industries.

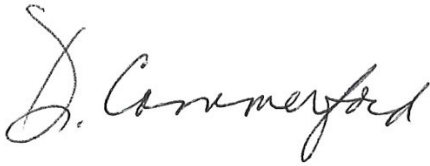
OPs are intended to provide planning framework; however, achieving local goals, reducing risk, and protecting specific natural or capital assets should not be removed from the process in the name of development expediency. **FOCA recommends the province remove the requirement to rewrite OPs using the proposed table of contents standards by January 1, 2028.**

FOCA notes that there will be considerable costs associated with updating lower-tier OPs to the new proposed standard, and **FOCA continues to oppose more downloading to municipalities**. Any costs incurred by municipalities in updating their official plan at the time of their required review and update are considered part of normal business and assumed to be included in the municipal budget. We believe the province is significantly understating the costs and time required to write new OPs.

We remind the province that policy changes create confusion that leads to additional delays and uncertainty for developers. The only possible advantage to be found in forcing 444 municipalities to rewrite their main land use planning documents to shoehorn them into a new format might emerge on the revenue lines of planning consultant companies.

Protecting Ontario's natural environment ensures sustainable communities, a robust economy, and healthy ecosystems for future generations. FOCA looks forward to seeing these principles reflected in the final guidance and regulations.

Sincerely,



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*FOCA is the Federation of Ontario Cottagers' Associations, the only go-to provincial advocacy organization committed to sustaining and enhancing the Ontario cottage experience. We work collaboratively to identify and address key issues by providing credible expertise, environmental stewardship, targeted programs and services, and a robust network of strategic partners. **Inform. Protect. Unite.***

*Since 1963, FOCA has united Ontario's waterfront community. We are a non-profit membership organization representing over 550 lake, road, cottage, camp, and rural waterfront associations—together, 250,000 families and voters who steward 15,000 km of shoreline and 50 hectares of privately owned waterfront land from Kenora to Kingston, Lake Erie to north of Temagami. Our [2022 Economic Impact Study](#) confirmed that every 100 waterfront properties generate 63 jobs in Ontario, with 54 of those jobs in the community itself.*