

November 4, 2025

To our Municipal Clients:

Re: Bill 60, *Fighting Delays, Building Faster Act, 2025* and Regulatory Proposals 25-MMAH018 and 25-MMAH030

In our continued efforts to keep our clients up to date on legislative changes that may impact them, we are writing to inform you of proposed legislative changes to the *Development Charges Act, 1997* (D.C.A.) and associated regulation (Ontario Regulation 82/98). The provincial government has introduced Bill 60, an Act to amend various Acts and to enact the *Water and Wastewater Public Corporations Act, 2025* (referred to as the *Fighting Delays, Building Faster Act, 2025*). This Bill proposes amendments to the following legislation:

- *Building Transit Faster Act, 2020*;
- *Construction Act*;
- *Development Charges Act, 1997*;
- *GO Transit Station Funding Act, 2023*;
- *Highway Traffic Act*;
- *Local Roads Boards Act*;
- *Municipal Act, 2021*;
- *Ontario Water Resources Act*;
- *Photo Card Act, 2008*;
- *Planning Act*;
- *Public Transportation and Highway Improvement Act*;
- *Residential Tenancies Act, 2006*;
- *Toronto Waterfront Revitalization Corporation Act*;
- *Towing and Storage Safety and Enforcement Act*;
- *Transit-Oriented Communities Act, 2020*;

The Bill also introduces new legislation: the *Water and Wastewater Public Corporations Act, 2025*.

In addition to the legislative amendments, the Province is also proposing changes to the development charge (D.C.) regulation (Ontario Regulation 82/98). The proposed changes, which are intended to standardize and streamline the D.C. framework, are available for comments via the Regulatory Registry at the following links:

- 25-MMAH018: <https://www.regulatoryregistry.gov.on.ca/proposal/52054>; and
- 25-MMAH030: <https://www.regulatoryregistry.gov.on.ca/proposal/52308>.



The deadline to submit comments on the above-referenced proposals is November 22, 2025, and November 23, 2025, respectively.

This letter provides a summary and preliminary analysis of the proposed changes to the D.C.A. and Ontario Regulation 82/98.

1. Proposed Changes to the Development Charge Framework

1.1 Proposed Changes to the *Development Charges Act, 1997*

The proposed changes to the D.C.A. are presented in Schedule 3 of Bill 60, *Fighting Delays, Building Faster Act, 2025*. The following is a list of the proposed changes, which are discussed in further detail below:

1. Addition of Class of Service for land acquisition;
2. Required timelines for the Annual Treasurer's Statement;
3. Addition of requirements for Local Service Policies; and
4. Requirement to provide documents to the Minister.

1.1.1 Addition of Class of Service for Land Acquisition

Background Context

In preparing the D.C. calculations as part of a D.C. background study, most services^[1] require a Level of Service calculation to be undertaken, as the D.C.A. requires that the increase in need for service must not exceed the historical Level of Service when determining the charge. This requirement is set out in subsection 5 (1) 4 of the D.C.A. and section 4 of Ontario Regulation 82/98. The regulation requires that the Level of Service be calculated by identifying quantity and quality measures of service. These measures have generally been interpreted to reflect the quantity of capital assets used to provide the service and the current replacement value (i.e., quality) of the capital assets. The combination of the measures results in the per capita historical replacement value, which, when applied to the forecast population, provides the total D.C.-eligible amount that can be included in the D.C. calculations for recovery.

In determining the replacement value (i.e., quality) of the assets, the scope of capital costs is consistent with the definition in subsection 5 (3) of the D.C.A. The Act defines capital costs to include “costs to acquire land or an interest in land, including a leasehold interest.” Compliance with the D.C.A. requires that the scope of capital costs included in the increase, the need for service, and the historical Level of Service be the same. As such, the historical Level of Service calculations commonly include the value of land. Over the past few years, the development community has raised concerns

^[1] All D.C.-eligible services, except water, wastewater, stormwater, and transit services.



regarding the inclusion of land in the required Level of Service calculations when no future land costs are identified. The increase in the value of land and all other infrastructure has led to an increase in the D.C.-eligible amount that can be included in D.C. calculations.

Proposed Changes

The legislative proposal is to include land acquisition as a separate class of service.^[1] Under this proposal, anticipated land acquisition capital needs would be grouped together for the purposes of the D.C. calculations. Land acquisition capital needs would also be excluded from the historical Level of Service restrictions.

In identifying the land acquisition needs by service, the proposal restricts the anticipated capital costs for land to 10 years for all services except for the following:

- Water;
- Wastewater;
- Stormwater;
- Services related to a highway;
- Electrical;
- Transit;
- Police; and
- Fire.

As land acquisition will be established as a class of service, municipalities will be required to establish a separate reserve fund for these capital costs. As such, funds would be segregated for this purpose, only to be used for land costs. Similar to other reserve funds, monies in this reserve fund can be borrowed and repaid, with interest. With respect to credits, municipalities will need to ensure that credits for land are accounted for separately from credits for other applicable services.

Section 35 of the D.C.A. is amended to add an exception to the use of monies in established reserve funds. This section states that monies in a reserve fund can be used for land acquisition; however, they cannot be used for land acquisition if those costs are to be paid for with the reserve fund established for land acquisition.

^[1] Section 7 of the D.C.A. states that a class of service may be established for the purposes of a D.C. by-law that is a combination of D.C.-eligible services or a subset of a D.C.-eligible service. Note, land acquisition related to the Toronto-York and Yonge North Subway Extensions is not required to be a class of service.



Potential Impacts

The removal of land from the Level of Service calculations would have varying impacts across municipalities. Where land values are significant, the removal of these amounts from the Level of Service calculations will result in a decrease in the D.C.-eligible amount that may restrict D.C. funding for future capital projects. For example, the removal of land values from the replacement costs of recreation facilities would have the effect of reducing the Level of Service cap on D.C. funding for recreation services. While this may be impactful, this change enables the Level of Service calculations to be more accurately compared to the anticipated increase in need for service and allows land needs to be included without the Level of Service restriction.

The restriction on the forecast period for certain services appears to be inconsistent with previous changes to the D.C.A., which removed the 10-year forecast period restriction for all services except Transit.^[1] As land purchases are commonly undertaken years before the construction of a facility, there may be some requirements to include a post-period benefit deduction if the land is required for a facility that will benefit growth outside the 10-year forecast period.

Municipalities may consider having different land acquisition calculations for the various forecast periods. For example, one calculation may be undertaken for the 10-year restricted services, whereas one or more calculations may be undertaken for those services with unrestricted forecast periods.

With respect to establishing a reserve fund for the land acquisition class of service, there may be some transitional matters to consider when preparing the D.C. background study calculations. For example, where land acquisition has been included in previous D.C. background studies, and reserve fund monies have been allocated and/or committed to land acquisition projects, reserve fund adjustments may be required. As the changes to the D.C.A. state that a class of service for land shall be established (i.e., required to recover land as a separate service), a separate reserve fund is required. Once a municipality undertakes a new D.C. by-law, the capital costs included in the class of service for land acquisition must be funded from the land acquisition reserve fund.

^[1] In 2019, the Province passed Bill 108, which removed the requirement to forecast capital needs over a 10-year period for all services other than water, wastewater, stormwater, services related to a highway, electrical power services, police, fire, and the Toronto-York subway extension, as these services were previously not restricted to a 10-year forecast.



1.1.2 Required timelines for the Annual Treasurer's Statement

Proposed Changes

Currently, the Annual Treasurer's Statement must be prepared each year by a date determined by Council. Subsection 43 (1) of the Act is amended to require the Treasurer's Statements to be completed by June 30 of each year.

Currently, the Annual Treasurer's Statement is required to be provided to the Minister of Municipal Affairs and Housing upon request. Subsection 43 (3) of the Act is amended to require a copy of the Treasurer's Statement to be submitted to the Minister by July 15 of each year.

Potential Impacts

Municipalities will need to ensure the Annual Treasurer's Statements are completed by June 30 and submitted to the Minister by July 15.

1.1.3 Addition of Requirements for Local Service Policies

Proposed Changes

Currently, subsection 2 (5) of the D.C.A. precludes a D.C. by-law from imposing charges with respect to local services described in section 59 of the D.C.A. Section 59 of the D.C.A. provides a link to the *Planning Act*, such that, as a condition of subdivision or consent agreement, a municipality may require local services to be installed or paid for by the owner. Local services are considered when preparing a D.C. background study to ensure compliance with the legislative requirements. As such, a Local Service Policy is generally included in our D.C. background studies for transparency to stakeholders and for municipal staff administration.

New subsections 59 (2.2) through 59 (2.11) are proposed, which generally set out the following:

- A Local Service Policy is required for all D.C.-eligible services to which a D.C. by-law imposes a charge and where some part of the service will be provided as a local service.
- A Local Service Policy is required to impose a condition of local services on development, and only to the extent it has been identified in the Local Service Policy. That is, a municipality could not require a work or classes of work to be provided as a local service if it is not identified as such in the Local Service Policy.
 - This does not apply where a municipality does not impose a D.C. for that service.



- This applies the day a municipality establishes the Local Service Policy or 18 months after Bill 60 receives Royal Assent.
- Required content for a Local Service Policy includes:
 - Works or classes of works related to development that are intended to be required as a Local Service.
- Optional content for a Local Service Policy includes:
 - Works or classes of works that are not intended to be required as a Local Service.
 - Works or classes of works that are partially required as a Local Service.
- The municipality shall give a copy of the Local Service Policy to the Minister of Municipal Affairs and Housing upon request, by the date requested.
- The Local Service Policy must be reviewed, requiring a resolution of Council declaring if a revision is needed. The resolution shall be passed at the time of passing any D.C. by-law or when a revision to the policy is required.

Note, there appears to be an error in the newly proposed subsection 59 (2.5). This subsection refers to subsection 2.8; however, that subsection refers to sending a copy of the Local Service Policy to the Minister of Municipal Affairs and Housing. It appears the appropriate reference should be subsection 2.7.

Potential Impacts

At Watson & Associates Economists Ltd. (Watson), it is our current practice to include Local Service Policies as part of D.C. background studies. This provides transparency to stakeholders and the municipality by delineating between local service capital costs and D.C.-eligible capital costs. The proposed changes regarding the required and optional content appear to be generally in line with Watson's current practice. Some municipalities, however, currently include wording in their Local Service Policies that provides flexibility for the municipality's interpretation of what costs can be deemed local service. The proposed changes aim to provide clarity on which costs would be deemed local service; therefore, municipalities may consider updating their current Local Service Policies to ensure removal of the "flexible" language. Furthermore, municipalities may require more frequent updates to their Local Service Policies as items are raised through the development approvals process that may not be appropriately captured in the Local Service Policy.

The proposed subsection 59 (2.2) requires that a Local Service Policy cover the services set out in subsection 2 (4) of the D.C.A. that are included in a D.C. by-law. Land acquisition is a service as defined in this section, as it is proposed to be a sub-service of capital costs for eligible services. As such, it would appear that land is required to be addressed in the Local Service Policy.

Proposed subsection 59 (2.6) appears to clarify that if a municipality does not impose a D.C. for a particular service, there is no requirement to have that service set out in the



Local Service Policy. This would also appear to apply to municipalities without D.C. by-laws.

Municipalities will need to ensure that all D.C. background study processes include a Local Service Policy and that the policy be expressly approved in the resolution of Council when the D.C. background study and by-law are adopted. This would appear to apply to all D.C. background study processes, including those prepared for by-law amendments and streamlined amendments to by-laws that do not require a background study under subsection 19 (1.1).

Given there is a transitional deadline of 18 months after this legislation takes effect, municipalities with existing D.C. by-laws that do not have Local Service Policies should consider reviewing and approving a Local Service Policy.

Note, if a municipality determines that there is no service in their D.C. by-law for which they will impose local service requirements, it does not appear that the municipality would be required to prepare a Local Service Policy.

1.1.4 Requirement to Provide Documents to the Minister

Proposed Changes

Currently, there is no requirement to provide the D.C. background study or by-law to the Minister of Municipal Affairs and Housing. The proposed changes to section 10 and section 13 of the D.C.A. would require municipalities to provide copies of the documents to the Minister upon request, by the date requested.

In addition, there is currently no requirement to provide the Local Service Policy to the Minister of Municipal Affairs and Housing. A proposed new subsection 59 (2.8) will require a copy of the Local Service Policy to be provided to the Minister upon request, by the date requested.

Potential Impacts

There does not appear to be any impact to municipalities, as the D.C. background study is already required to be posted on the municipality's website, and copies of the by-law and Local Service Policy are typically included within the D.C. background studies.

1.2 Proposed Changes to Ontario Regulation 82/98

In addition to the proposed changes to the D.C.A., the Province has proposed regulatory changes to Ontario Regulation 82/98. These changes are with respect to the following matters:

1. Merging of credits for water supply services and wastewater services;



2. Making Benefit to Existing allocations more transparent in D.C. background studies;
3. Detailing land acquisition costs in D.C. background studies; and
4. Making information in financial statements relating to D.C.s more transparent and easily accessible.

These changes are discussed in more detail below. Note that the draft regulation has not yet been released. Our preliminary comments are based on the summary of the proposed changes provided on the Provincial Regulatory Registry website.

1.2.1 Merging of Credits

Watson has previously provided commentary on the merging of credits.^[1] Our commentary included the following potential impacts:

Removal of municipal discretion

Currently, municipalities have the ability to agree to apply credits to other services within a D.C. by-law. In many cases, the municipality will undertake a cashflow analysis of their D.C. reserve funds to determine if this is feasible. This proposed change appears to remove a municipality's discretion to combine services by agreement in certain instances.

Cashflow implications for municipalities

Combining services for the purposes of credits would have cashflow implications for municipalities, where funds held in a D.C. reserve fund for a service not included under the section 38 agreement would be reduced. This could delay the timing of capital projects for these impacted services and/or increase financing costs, as municipalities tend to confine funding for projects to the reserve funds available for that service and not borrow between reserve funds/services.

Proposed Changes

This proposed change aims to merge water supply services and wastewater services for the purposes of credits. As provided in subsection 2 (4) of the D.C.A., the D.C.-eligible services of water supply and wastewater include distribution and treatment, and sewers and treatment, respectively.

^[1] Watson & Associates Economists Ltd. June 4, 2025 letter to the Ministry of Municipal Affairs and Housing: <https://www.watsonecon.ca/insights/opinions/bill-17-comments-for-regulatory-registry.pdf>



Potential Impacts

The proposal is of concern as some municipalities have invested significant amounts into their water and wastewater systems. To elaborate on why this is a concern, in certain circumstances, municipalities have separated their water and wastewater D.C.s into the following categories:

- Water supply and storage;
- Water distribution;
- Wastewater treatment; and
- Wastewater collection.

Where significant investments in water supply and storage or wastewater treatment have been made, separating the D.C.s into the categories above may assist in ensuring D.C. cashflows are available to pay existing debt payments. The proposal to combine water supply and wastewater services would entitle a developer to receive D.C. credits against both services if D.C.-eligible capital costs/works have been provided directly for either service. This would negatively impact cashflows for the service not directly provided by the developer.

1.2.2 Transparency of Benefit to Existing Calculations

Proposed Changes

The proposed regulatory changes would require municipalities to provide greater details with respect to how capital costs are determined and how the growth-related and non-growth-related shares of the costs are determined. The proposed wording appears to require this for each service, rather than on a project-by-project basis.

Potential Impacts

It is positive that the Province has not established a required methodology, as there is no standardized approach across all municipalities (although there are best practices that are generally followed).

Providing further details in the background study will enhance transparency for stakeholders. While this will require additional effort in the preparation of the D.C background study, it should reduce the effort required by municipal staff to address stakeholder questions related to the determination of capital and benefit to existing deductions once the background study is released. Although the proposal suggests that the D.C. background study will require the methodology to be provided by service, there may be situations where a project-by-project determination is required.



1.2.3 Details of Land Acquisition

Proposed Changes

It is proposed that land acquisition capital needs shall be treated as a class of service. As such, section 8 of Ontario Regulation 82/98 will be amended to require land acquisition costs to be included in the D.C. background presentation of:

- The total of the estimated capital costs relating to the service;
- The allocation of the total of the estimated costs between costs that would benefit new development and costs that would benefit existing development;
- The total of the estimated capital costs relating to the service that will be incurred during the term of the proposed D.C. by-law;
- The allocation of the costs incurred during the term of the proposed by-law between costs that would benefit new development and costs that would benefit existing development; and
- The estimated and actual value of credits that are being carried forward relating to the service.

Potential Impacts

See the comments above with respect to the inclusion of land acquisition as a class of service.

1.2.4 Information Accessibility

Proposed Changes

The proposed changes increase reporting requirements for the Annual Treasurer's Statements to include:

- The amount from each reserve fund that was committed to a project, but had not been spent, as of the end of the year;
- The amount of debt that had been issued for a project as of the end of the year; and
- The location in the D.C. background study where the project's capital costs were estimated.

This would not apply in circumstances where a municipality uses a unique identifier in both background studies and Treasurer's Statements to identify each project.

Potential Impacts

The proposed changes increase transparency for the public and can help demonstrate that D.C. funds are being used as required and to the extent allowable under the D.C.A.



These additional requirements will increase administrative effort by municipal staff. Municipalities may wish to provide unique project identifiers as part of the preparation of their next D.C. background study for ease of aligning projects in the D.C. background study with the projects identified in the Annual Treasurer's Statement.

2. Concluding Remarks

The proposed changes to the D.C.A. and Ontario Regulation 82/98 are generally positive as they provide additional transparency of the D.C. calculations and how D.C.s are used by municipalities. The changes with respect to including land acquisition as a class of service appear to have a minor impact on municipalities where land values are minimal, with a greater impact on the Level of Service calculations for larger urban municipalities. The requirement for a Local Service Policy and its contents are generally in line with Watson's current approach; however, updates may be required to existing Local Service Policies to provide more detail on which costs would be local service and which costs would be recovered through D.C.s. Watson continues to have concerns regarding the merging of services for the purposes of credits, as this may impact municipalities that have invested in water supply and/or wastewater treatment costs.

We will continue to monitor any changes and inform you of the potential impacts on municipalities.

Should you have any questions, please contact any of the undersigned or send an email to info@watsonecon.ca.

Yours very truly,

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