



May 28, 2025

DELIVERED VIA EMAIL

PlanningConsultation@ontario.ca

Ministry of Municipal Affairs and Housing
Provincial Planning Branch
13th Floor, 777 Bay Street
Toronto, ON M7A 2J3

To Whom It May Concern,

RE: Schedule 1 of Bill 17, Protect Ontario by Building Faster and Smarter Act, 2025

Please accept the following submission on behalf of AEL Advocacy in response to Schedule 1 of Bill 17, *Protecting Ontario by Building Faster and Smarter Act, 2025*. This Schedule proposes to amend the *Building Code Act, 1992* (“BCA”) to clarify 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.”

AEL Advocacy is deeply concerned about the implications of this proposed amendment, particularly as it relates to wildlife protection in Ontario. We are especially troubled by its potential to undermine the authority of municipalities to enact and enforce bird-friendly building standards—evidence-based measures that play a critical role in protecting migratory bird populations across the province.

A. About AEL Advocacy

Animal Environmental Legal Advocacy (“AEL Advocacy”) is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We

Animal Environmental Legal Advocacy

T 613-550-3162 • E admin@aeladvocacy.ca • Operating Remotely • aeladvocacy.ca

leverage our legal and political expertise to support individuals, communities, and organizations working to protect animals and the environments where they live.

B. AEL Advocacy's Comments on the Proposal

Bill 17 Threatens Local Authority to Protect Birds

Window collisions are one of the leading human-caused sources of bird mortality in Canada, killing an estimated 16 to 42 million birds annually.¹ It is one of the top sources of human-caused bird mortality, despite being easily preventable.² Most birds die on impact, but those that survive are often left with serious injuries—including concussions, internal bleeding, broken bones, and brain trauma—which reduce their ability to feed or escape predators.³

To reduce these deaths, several Ontario municipalities have adopted by-laws that include guidelines or requirements for bird safe design, such as patterned glazing, minimized night lighting, and reduced reflectivity in glass.⁴ These measures are cost-effective, scientifically supported, and aligned with international best practices. They also support the objectives of Ontario's Biodiversity Strategy and the protection of species at risk.

Under Bill 17, municipalities would be prohibited from enacting or enforcing by-laws "related to construction" unless explicitly authorized under the Ontario Building Code. The language is sweeping and vague, raising serious concerns that local bird-friendly design by-laws—many of which are tied to site plan control, zoning, or construction materials—could be rendered unenforceable or invalidated altogether.

Ontario is home to over 500 species of birds, many of which are already under pressure from habitat loss, climate change, and pollution. Building collisions are a significant and preventable cause of mortality. Weakening municipal tools that are specifically designed to mitigate this harm is contrary to the province's stated environmental commitments and would result in avoidable and large-scale biodiversity loss, particularly in urban growth areas.

1

<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/faq-bird-collisions-glass-windows.html#toc1>

2

<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/faq-bird-collisions-glass-windows.html#toc1>

3

<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/faq-bird-collisions-glass-windows.html#toc1>

⁴ <https://flap.org/wp-content/uploads/2024/09/Bird-Safe-x-Municipal-GDS-Summary-2024--FLAP-Canada.pdf>

Failure to Post Schedule 1 on the Environmental Registry of Ontario

The *Environmental Bill of Rights* (the “EBR”) guarantees the public’s right to participate in environmentally significant government decision-making. It requires that ministries give notice and allow for public consultation on proposals for Acts, regulations, and policies that could have a significant effect on the environment.

To date, the following components of Bill 17 have been posted to the Environmental Registry of Ontario (“ERO”) for public comment:

- Schedule 2 - Amendment to the *Building Transit Faster Act, 2020* ([ERO # 025-0450](#))
- Schedules 3 and 7 - Proposed *Planning Act* and *City of Toronto Act, 2006* Changes ([ERO # 025-0461](#))
- Schedule 8 - Amendment to the *Transit-Oriented Communities Act, 2020* ([ERO # 025-0504](#))
- Proposed Regulation – As-of-right Variations from Setback Requirements ([ERO # 025-0463](#))
- Proposed Regulations – Complete Application ([ERO # 025-0462](#))

However, Schedule 1—despite proposing major changes to the BCA—was not posted for public consultation. These proposed changes are wide-ranging and environmentally significant. They could invalidate existing municipal by-laws related to:

- Bird-friendly design;
- Energy efficiency;
- Climate adaptation; and
- Sustainable construction and green development standards.

By failing to post Schedule 1 to the ERO, the Ministry of Municipal Affairs and Housing has breached its obligations under the EBR. The omission denied the public and affected municipalities the opportunity to meaningfully engage with legislation that could fundamentally alter how Ontario’s built environment interacts with nature and protects wild animals. This undermines the transparency and accountability that the EBR is designed to uphold and sets a concerning precedent.

C. Conclusion and Recommendations

To ensure that Ontario continues to foster development that is not only fast and efficient, but also ethical and environmentally sound, AEL Advocacy makes the following recommendations:

1. **Amend Schedule 1 of Bill 17 to explicitly preserve municipal authority to adopt and enforce green and bird-friendly building standards**, provided they do not conflict with the Ontario Building Code.
2. **Immediately post Schedule 1 to the Environmental Registry of Ontario**, in accordance with the EBR, and allow for a full 30-day public comment period. The Bill should not proceed to third reading until this public consultation has taken place and its results have been duly considered.

We urge the provincial government not to sacrifice vital environmental protections in pursuit of expedited development. Local governments are closest to their communities and best positioned to adopt context-sensitive solutions that protect both people and wildlife.

Bird-friendly design is an internationally recognized, scientifically supported, and environmentally responsible approach to sustainable urban planning. We strongly encourage the government to support, rather than restrict, municipal leadership in this area.

Thank you for considering our comments. We would welcome the opportunity to engage further with the Ministry on this issue.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY



Kira Berkeley
Co-Director & Counsel