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# Bill 139

## **An Act to amend the Planning Act with respect to housing policies in official plans and by-laws**

**Mr. M. Schreiner**

**Private Member's Bill**

1st Reading      June 2, 2026

2nd Reading

3rd Reading

Royal Assent



## EXPLANATORY NOTE

The Bill makes various amendments to the *Planning Act*.

The Act is amended to require the Minister to collect data on housing units that are being built or have been completed in the Province in each year.

The Act is amended to require official plans to contain policies authorizing, in areas of settlement, the use of up to four residential units in a detached house, semi-detached house or rowhouse as well as multi-unit residential buildings of up to four stories. Official plans must also contain policies that authorize, in areas of settlement, midrise housing developments ranging from six to 11 stories on major streets, including along transit corridors, in single-tier and lower-tier municipalities with a population of at least 100,000 people. The amendments provide that there are no appeals in respect of such policies, with the exception of appeals by the Minister.

The Act is amended to provide that official plans and zoning by-laws may not have the effect of prohibiting the use of four or fewer residential units on specified parcels of urban residential land. They also may not impose a floor-to-area ratio on residential buildings or residential structures that contain three to six residential units, may not prohibit residential buildings or residential structures from being four or fewer storeys in height, may not impose a minimum setback distance for residential buildings or residential structures that contain four to six residential units, and may not require parking spaces to be provided in connection with residential buildings or residential structures that contain at least four residential units.

**An Act to amend the Planning Act with respect to  
housing policies in official plans and by-laws**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1 The *Planning Act* is amended by adding the following section:**

**Data collection on housing**

7.1 (1) The Minister shall, in each year, collect data on,

- (a) the number of housing units that are being built or have been completed in the Province and the unit mix of those housing units, including the number of bedrooms; and
- (b) the number of housing units referred to in clause (a) broken down by their selling price in increments of \$50,000.

**Publication of data**

(2) No later than 90 days after the end of each year, the Minister shall publish the data collected under subsection (1) for that year on a Government of Ontario website.

**2 (1) Section 16 of the Act is amended by adding the following subsections:**

**Residential unit and midrise housing development policies**

(2.1) An official plan shall contain policies that authorize, in areas of settlement,

- (a) the use of additional residential units by authorizing the use of up to four residential units in a detached house, semi-detached house or rowhouse;
- (b) multi-unit residential buildings of up to four storeys; and
- (c) midrise housing developments ranging from six to 11 storeys on major streets, including along transit corridors, but only if,
  - (i) the official plan is for a single-tier municipality or lower-tier municipality with a population of at least 100,000, and
  - (ii) sufficient sewage and water capacity exists.

**Regulation re sewage and water capacity**

(2.2) The Minister may, by regulation, require a municipality to develop a servicing plan to ensure that there is sufficient sewage and water capacity for midrise housing developments referred to in subsection (2.1) on all major streets in the municipality, including along transit corridors, within the timeframe set out in the regulation.

**No appeals re policies**

(2.3) Despite subsections 17 (24) and (36), there is no appeal in respect of the policies described in subsection (2.1) of this section, including, for greater certainty, any requirements or standards that are part of such policies.

**Same**

(2.4) Despite subsection 34 (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection (2.1) of this section, including, for greater certainty, an appeal in respect of any requirements or standards relating to such policies.

**Exception re Minister**

(2.5) Subsections (2.3) and (2.4) do not apply to an appeal by the Minister.

**Definition, major street**

(2.6) In this section,

“major street” means a highway which does not have property access as its primary function.

**(2) Subsection 16 (3) of the Act is repealed and the following substituted:**

### **Restrictions for residential units**

(3) No official plan may contain any policy that has the effect of prohibiting the use of four or fewer residential units on a parcel of urban residential land, so long as the units are in a detached house, semi-detached house or rowhouse on the parcel or in up to one additional structure on the parcel that is ancillary to the detached house, semi-detached house or rowhouse.

#### **Same**

(3.0.1) For greater certainty, subsection (3) prohibits official plans from including policies that impose a minimum lot size requirement on parcels of urban residential land that are described in that subsection.

### **(3) Section 16 of the Act is amended by adding the following subsections:**

#### **Restriction, floor-to-area ratio**

(3.2.2) No official plan may contain any policy that has the effect of imposing a floor-to-area ratio on a residential building or residential structure that contains three to six residential units.

#### **Restriction, height**

(3.2.3) No official plan may contain any policy that has the effect of prohibiting a residential building or residential structure from being four or fewer storeys at or above ground in height.

#### **Restriction, minimum setback**

(3.2.4) No official plan may contain any policy that has the effect of imposing a minimum setback distance for a residential building or residential structure that contains four to six residential units.

#### **Restriction, parking spaces**

(3.2.5) No official plan may contain any policy that has the effect of requiring any parking spaces to be provided and maintained in connection with a residential building or residential structure that contains at least four residential units.

**(4) Subsection 16 (3.3) of the Act is amended by striking out “(3.2) or (3.2.1)” at the end and substituting “(3.2), (3.2.1), (3.2.2), (3.2.3), (3.2.4) or (3.2.5)”.**

### **3 Subsection 22 (7.2) of the Act is amended by adding the following clause:**

(b.1) amend or revoke the policies described in subsection 16 (2.1), including, for greater certainty, any requirements or standards that are part of such policies;

### **4 The Act is amended by adding the following section:**

#### **By-laws to give effect to residential unit and midrise housing development policies**

**35.0.1** (1) The council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (2.1).

### **5 (1) Subsection 35.1 (1) of the Act is repealed and the following substituted:**

#### **Restrictions for residential units**

(1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of four or fewer residential units on a parcel of urban residential land, so long as the units are in a detached house, semi-detached house or rowhouse on the parcel or in up to one additional structure on the parcel that is ancillary to the detached house, semi-detached house or rowhouse.

#### **Same**

(1.0.1) For greater certainty, subsection (1) prevents by-laws from imposing a minimum lot size requirement on parcels of urban residential land that are described in that subsection.

### **(2) Section 35.1 of the Act is amended by adding the following subsections:**

#### **Restriction, floor-to-area ratio**

(1.2.1) The authority to pass a by-law under section 34 does not include the authority to pass a by-law imposing a floor-to-area ratio on a residential building or residential structure that contains three to six residential units.

#### **Restriction, height**

(1.2.2) The authority to pass a by-law under section 34 does not include the authority to pass a by-law prohibiting a residential building or residential structure from being four or fewer storeys at or above ground in height.

#### **Restriction, minimum setback**

(1.2.3) The authority to pass a by-law under section 34 does not include the authority to pass a by-law imposing a minimum setback distance for a residential building or residential structure that contains four to six residential units.

**Restriction, parking spaces**

(1.2.4) The authority to pass a by-law under section 34 does not include the authority to pass a by-law that has the effect of requiring any parking spaces to be provided and maintained in connection with a residential building or residential structure that contains at least four residential units.

**(3) Subsection 35.1 (1.3) of the Act is amended by striking out “(1.1) or (1.2)” at the end and substituting “(1.1), (1.2), (1.2.1), (1.2.2), (1.2.3) or (1.2.4)”.**

**Commencement**

**6 This Act comes into force on the day it receives Royal Assent.**

**Short title**

**7 The short title of this Act is the *Homes You Can Afford in the Communities You Love Act, 2026*.**