



To: All Members of Waterloo Regional Council
Regional Municipality of Waterloo
150 Frederick Street
Kitchener, Ontario
N2G 4J3

Via Email: regionalclerk@regionofwaterloo.ca

Dear Council Members,

Re: Concerns Regarding Proposed High-Performance Development Standards (HPDS)

On behalf of Thomasfield Homes Limited (Thomasfield), I am writing to formally express our opposition to the proposed High-Performance Development Standards (HPDS). While we recognize the importance of environmental sustainability, we have significant concerns about the legality, lack of transparency, and governance of this initiative.

At Thomasfield, we support sustainable building practices and are proud to say that our we committed to environmentally responsible and sustainable development, built upon decades of experience, compliance with the requirements of the Ontario Building Code ("OBC"), and recognition of industry best practices. However, we believe that the HPDS, in its current form, is flawed and poses challenges that cannot be overlooked.

1. Lack of Legal Authority

The HPDS oversteps municipal jurisdiction as outlined in the Ontario Building Code (OBC) Act, the Planning Act, and the Municipal Act. These laws explicitly limit municipalities from imposing standards that exceed those already mandated by the OBC. While municipalities may promote sustainability goals, they cannot enforce construction standards beyond provincial regulations.

Even the WRCE's materials acknowledge that the HPDS cannot fully align with the OBC, demonstrating that it exceeds the Region's jurisdiction. Furthermore, imposing such standards through site plan control or subdivision approvals risks legal challenges, as these tools cannot regulate construction methods or material standards.

The HPDS also contradicts the province's recent policy direction, as reflected in the 2024 Provincial Planning Statement and the forthcoming amendments to the OBC, which carefully balance sustainability with economic feasibility. Any attempt to bypass provincial authority undermines this balance and risks regulatory overreach.

2. Non-Transparent and Improper Governance

The process by which the HPDS has been developed raises significant concerns:

- The decision-making process lacks transparency. Despite requests, WRCE has refused to disclose the composition of the Municipal Working Group or provide sufficient details on stakeholder engagement.
- Key discussions and decision-making appear to be influenced by special interest groups rather than a neutral, evidence-based process. Polling questions and workshops have been structured to elicit specific responses, undermining genuine community and industry input.
- Delegating legislative powers to a non-profit organization like WRCE, without public oversight or accountability, is deeply concerning and likely improper under Section 23.2 of the Municipal Act.

3. Industry Opposition and Lack of Support

Despite claims in WRCE presentations that the HPDS aligns with industry priorities, the development community, including Thomasfield Homes Limited, strongly disagrees:

- The WRHBA, representing the vast majority of builders in the region, has opposed the HPDS, highlighting its redundancy, increased costs, and lack of proven benefits.
- Industry feedback during engagement workshops emphasized affordability, simplicity, and alignment with existing regulations—none of which the HPDS achieves.
- Builders and developers are concerned about the added complexity and potential delays introduced by the HPDS during a critical housing supply crisis.

4. Unjustifiable Costs and Consequences

The HPDS introduces unnecessary costs that will ultimately burden homebuyers:

- No cost-benefit analysis or financial impact study has been disclosed to justify the standards. This is especially troubling given the affordability challenges faced by Ontario's housing market.
- The WRCE claims that upfront costs will be minimal but fails to provide transparent evidence to support this assertion.
- By deviating from provincial standards, the HPDS risks creating an uneven playing field, driving development—and economic growth—away from Waterloo Region.

5. Misalignment with Municipal Responsibilities

Municipalities must operate within their legislated responsibilities and in collaboration with provincial policy. Attempting to impose unvetted green standards exposes the Region and the local municipalities to potential liability, especially if unproven measures lead to long-term building failures. Aligning with the OBC and leveraging provincial frameworks is a more prudent approach.

Conclusion

Thomasfield Homes Limited urges the Region to reconsider the HPDS and to pause its implementation until these serious legal, procedural, and industry concerns are resolved. Development standards must be transparent, accountable, and voluntary, with clear alignment to provincial law and demonstrated benefits for stakeholders.

We remain committed to working collaboratively with the Region to achieve sustainability goals in a manner that respects legal frameworks and industry realities.

Sincerely,



Tom McLaughlin

Thomasfield Homes / Ariss Glen Developments Ltd.

Mayor Sandy Shantz, Township of Woolwich
Deanne Friess, Director of Development Services, Township of Woolwich
Scott Andison, CEO OHBA
Hon. Mike Harris, Minister of Red Tape Reduction
Hon. Paul Calandra, Minister of MMAH
Hon. Matthew Rae, Deputy Minister of MMAH