

November 20, 2025

Hon. Rob Flack, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
Provincial Planning Branch
13th Floor, 777 Bay Street
Toronto, ON M7A 2J3 Canada



Re: Proposed Changes to the Planning Act (Schedule 10 of Bill 60 - the Fighting Delays, Building Faster Act, 2025) ERO Number: 025-1097

The Toronto Port Authority (operating as PortsToronto) is the owner and operator of the Billy Bishop Toronto City Airport, the Outer Harbour Marina and the Port of Toronto. Also, PortsToronto is the registered owner of lands within the boundaries of the City of Toronto waterfront. PortsToronto is a federal government business enterprise governed by the *Canada Marine Act* and Letters Patent issued by the federal Minister of Transport.

PortsToronto appreciates the opportunity to provide comments on the proposed legislative and regulatory changes under Schedule 10 of Bill 60 and the related efforts to streamline housing approvals across Ontario. As the operator of Billy Bishop Toronto City Airport, a nationally significant transportation asset supporting regional economic development, medical transport, emergency services, and connectivity, PortsToronto supports the Province's goal of increasing housing supply.

However, this objective must be balanced with the need to maintain safe airspace, protect critical transportation infrastructure, and prevent incompatible development in the limited areas where aviation operations intersect with local land use. The proposed "as-of-right" system for minor variances raises specific concerns for airports across Ontario, including Billy Bishop Toronto City Airport.

1. Automatic "As-of-Right" Variances Pose Direct Safety Risks Near Airports

Schedule 10 proposes new regulation-making authority that would allow variations from approved building heights, massing, and setbacks, to be permitted *as-of-right* without the need for a planning application or circulation to affected agencies. While this approach may reduce delays in many parts of the province, its application near airports introduces significant and avoidable safety risks.

At Billy Bishop Toronto City Airport, even small changes in height, massing, or the location of a tower can:

- Push buildings or rooftop structures into protected flight paths
- Move an otherwise acceptable building into a flight path
- Introduce crane intrusions into flight paths during construction
- Create long-term hazards that restrict airport operations or require costly procedure redesign
- Undermine Transport Canada airspace protection requirements

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Billy Bishop Toronto City Airport operates in an exceptionally constrained environment. Its waterfront location, short runway, and specialized instrument approach procedures mean that even a minor variance can create a major hazard.

The current municipal development review process provides the only mechanism through which PortsToronto and Nav Canada can assess impacts on flight paths, protected surfaces, and procedure design. Removing this review step eliminates essential oversight.

This concern applies to height, massing, and setback variances. A height increase may introduce a new obstacle; a setback or massing adjustment may shift a building into a critical flight path. Without notice or technical review, such issues would not be identified until well after approvals were granted.

Recommendation: Exclude Airport Operating Areas from As-of-Right Permissions

PortsToronto strongly recommends that the airspace required for the safe and efficient operation of Billy Bishop Toronto City Airport, defined through its Airport Operating Area (or Area of Influence), be exempted from all as-of-right permissions under Schedule 10. This would align airport areas with other “unique or specialized areas,” such as shorelines and rail corridors, which the Province has already identified as requiring protection from unintended impacts of as-of-right variances.

2. Bill 185 Removed Airport Appeal Rights - Creating a Major Gap

As noted in previous submissions from the aviation sector, Bill 185 eliminated third-party appeals to the Ontario Land Tribunal (OLT) for airports under the *Planning Act*, except where applications fall within an Airport Zoning Regulation (AZR).

This change was made by amending the definition of “specified person” in subsection 1(1) of the *Planning Act* to read:

(j) the owner or operator of an airport as defined in subsection 3(1) of the *Aeronautics Act* (Canada) if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport and if any part of those lands is within the area to which the relevant planning matter would apply,

Limiting appeal rights solely to lands within an airport’s AZR creates a significant policy gap because flight procedures and approach surfaces often extend well beyond AZR boundaries. No other major transportation or utility operator is placed in this position. Railways, hydro utilities, and pipelines continue to retain mechanisms to challenge planning decisions that compromise safety or operations within their impact areas. Airports should not be treated differently.

Recommendation: Restore Airport Appeal Rights under the Planning Act

PortsToronto recommends that the Province use Bill 60 to address this gap and restore airport appeal rights under the *Planning Act*, aligning airports with other transportation and utility providers.

This can be achieved by removing the restrictive AZR qualifier from the definition of “specified person” by striking the following clause:

(j) the owner or operator of an airport as defined in subsection 3(1) of the *Aeronautics Act* (Canada) if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport.

This amendment would restore the ability of airports to bring forward legitimate safety-based appeals.

Alignment with the Provincial Planning Statement, 2024

It is important to note that the Provincial Planning Statement, 2024 (PPS 2024) requires planning in the vicinity of airports to have a view to their long-term operation and economic role. Specifically, section 3.4 of PPS 2024 specifically requires that:

“Planning for land uses in the vicinity of airports,shall be undertaken so that

a) Their long-term operation and economic role is protected.”

Both the removal of appeal rights and the introduction of as-of-right height, massing, or setback variances in airport operating areas undermine this direction. Without notice and review, as well as the ability to appeal to the OLT, developments may unintentionally interfere with flight paths, compromising both safety and long-term airport function.

Conclusion

PortsToronto supports the Province’s objective to build more housing, faster. However, automatic variances near airports introduce avoidable safety and operational risks that could compromise aviation operations, limit future capacity, and conflict with Provincial Policy to protect key economic infrastructure.

By excluding airport operating areas from as-of-right permissions and restoring appropriate planning appeal rights, the Province can support housing acceleration while ensuring safe, reliable, and efficient operations at airports such as Billy Bishop Toronto City Airport.

PortsToronto welcomes further discussion with Provincial staff and requests a meeting to review these concerns and identify solutions that support both housing delivery and aviation safety. We appreciate the opportunity to comment on this important matter.

Sincerely yours,



RJ Steenstra
President & CEO
PortsToronto