

Lee English
T: 416-367-6169
lenglish@blg.com

Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto ON M5H 4E3
Canada
T 416-367-6000
F 416-367-6749
blg.com



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DELIVERED BY EMAIL
[parkwaybeltwestplan@ontario.ca]

Provincial Land Use Policy Branch
777 Bay St., 13th Floor
Toronto, ON M7A 2J3

To Whom it May Concern:

Re: Comment Letter - 2026 Proposal to revoke the Parkway Belt West Plan, 1978
ERO #: 026-0229
Sun-Canadian Pipe Line Company

We are counsel for Sun-Canadian Pipe Line Company (“SCPL”). We write to provide feedback, in the form of comments and recommendations on behalf of SCPL in response to the proposed revocation of the Parkway Belt West Plan, 1978 (the “PBWP”) (the “Proposal”).

We provided comments on behalf of SCPL regarding the 2022 proposal to revoke the PBWP under ERO Posting 019-6167 on December 19, 2022.

SCPL Pipeline

SCPL operates a provincially-regulated hydrocarbon pipeline that transports refined hydrocarbon products from Sarnia to marketing and distribution facilities in the London, Hamilton, and Toronto areas. The SCPL pipeline occupies over 500 km of easement rights within the Province of Ontario, including within the lands currently subject to the PBWP (as shown on the draft June 2022 Parkway Belt West Plan Map available [here](#)) (“Utility Corridor”).

The energy resources supplied by SCPL through its infrastructure are vital to the economic growth and vitality of Ontario.

SCPL Concerns Regarding the Proposal

It is understood that the Proposal is intended to support the Government of Ontario’s commitment to address burdens on housing development and to potentially increase housing supply.

SCPL supports streamlining processes to allow the population of Ontario to grow effectively and efficiently while preserving and protecting the ability for utilities to continue to provide energy vital to the quality of life for Ontarians.

However, SCPL does not believe that the PBWP is redundant in light of the current provincial land use planning system and government corridor-protection related initiatives. The PBWP provides an important protection in a clear and predictable manner. Revoking the PBWP will introduce significant uncertainty as local municipalities may approach infrastructure and corridor protection in various ways. The proposed revocation will also increase the time and resources utility and pipeline operators must expend to monitor and provide submissions on planning applications within the Utility Corridor.

One of the purposes for which the PBWP was established in the late 1970's was to protect for the secure maintenance and future growth of required utility infrastructure including various forms of energy supply. While some of the other purposes for which the PBWP was established in the areas of growth management and natural heritage protection may have been superseded through the empowerment of local jurisdictions under more recent planning legislation and policy, the security, safety, and potential for future growth of energy supply on a province-wide basis remains an area where active provincial oversight and control are appropriate.

Without careful consideration of oversight of planning approvals which may affect the Utility Corridor, the Proposal may compromise the secure delivery of energy needed for the benefit of all Ontarians. Easements containing the infrastructure which provide vital energy supply may be compromised or impaired by development activities which are approved without adequate consideration for that infrastructure.

In addition, the expansion or replacement of pipelines and major repairs involving re-location may require new easements in proximity to existing installations. While energy and utility companies undoubtedly have an important role to play in protecting their own infrastructure and future needs, the fragmentation of jurisdiction over the Utility Corridor creates the risk that individual approvals may be put in place without notice to the utility or without adequate approval conditions. Even one inappropriate approval may imperil the entire energy supply network. Utility operators rely upon notice and consistent provincial oversight to ensure that they are consulted, and if necessary, able to intervene in the approval process on a timely basis.

The Proposal also has significant safety implications. Development activities such as the construction of homes, as well as post-development construction (renovations, pool construction, gazebos, etc.) increase the risk of human safety incidents, accidental releases and environmental impairment. High-pressure pipelines are put at risk when construction occurs in close proximity to buried facilities and constructors fail to follow safe practices during all phases of construction.

It is also imperative that development not impede access to the pipelines for monitoring, integrity digs, safety works or repairs, either during the course of construction or in the post-construction state.

Recommendations

SCPL believes the existing process for releasing lands from the PBWP is consistent and ensures engagement from all stakeholders that may be impacted and would recommend updating the existing process to a more streamlined and expedited process rather than revoking the PBWP.

However, if the Province does move forward with the proposed revocation of the PBWP, below are SCPL's recommendations to mitigate potential impacts:

- The Province should retain appropriate oversight of the administration of the Utility Corridor so as to avoid fragmentation of the land management regulatory system and unintended encroachment on infrastructure resulting from authority resting with the various municipalities across the Parkway Belt West lands. Oversight may be facilitated by requiring that specific notice be given to the Province of any development applications submitted for lands within the Utility Corridor.
- The amendments to the *Planning Act* proposed in Bill 98 (the proposed *Building Homes and Improving Transportation Infrastructure Act, 2026*) to streamline and standardize municipal Official Plans should include express recognition of the location of the Utility Corridor and ensure that land use designations in affected municipalities both permit infrastructure use and ensure it is protected from encroachment and disturbance.
- The Provincial Planning Statement, 2024 should expressly recognize the existing Utility Corridor as a “planned corridor” to remove any uncertainty regarding the protections for transportation and infrastructure corridors in Section 3.3 of the Provincial Planning Statement, 2024.
- Clear set-backs should be established and preserved from the existing infrastructure in a manner compliant with all regulatory requirements while also providing future flexibility to install new infrastructure to meet maintenance requirements for existing infrastructure and to facilitate installation of future infrastructure as energy needs evolve.
- Pipeline easements should remain designated as Open Space unless and until such time as the easements are released by the easement-holders.
- Access points to pipelines in the PBWP lands and Utility Corridor should be reserved as a condition of the release of any PBWP lands.
- More explicit regulations should accompany any revocations to ensure that municipal and private contractors will follow safe ground disturbance practices around vital high-pressure pipelines and that pipeline companies are afforded the ability to provide onsite inspections during excavation and construction activities that may impact their infrastructure.
- The Province should afford pipeline operators the ability to recover their costs from developers for engineering assessments, onsite inspection, and relocating and upgrading assets.

- The Province should facilitate educational sessions to staff in affected municipalities regarding the location of the Utility Corridor, its current and planned function, development restrictions associated with the corridor and the notice requirements associated with applications in the municipality.
- The Province should reserve lands for future linear facilities and unanticipated activities requiring high accessibility and substantial land areas.

Conclusion

SCPL requests consideration of the submissions and recommendations identified above, and would welcome the opportunity to meet with you and other stakeholders to discuss the recommendations in further detail. If you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours truly,

BORDEN LADNER GERVAIS LLP



Lee English

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cc Client