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May 14, 2026

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 Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026) – ERO Number: 026-0300

The Toronto Port Authority (TPA) is the owner and operator of Billy Bishop Toronto City Airport (BBTCA), the Outer Harbour Marina, and the Port of Toronto. The TPA is a federal government business enterprise governed by the *Canada Marine Act* and Letters Patent issued by the federal Minister of Transport. The Toronto Port Authority also owns lands within Toronto's waterfront.

Proposals to Assist with a Fair and Consistent Planning Process

The TPA appreciates the opportunity to comment on the proposed changes under ERO Number 026-0300. We recognize the Province's objective of streamlining planning processes and creating greater consistency in land use planning across Ontario. The TPA supports these efforts to provide predictability and consistency within the planning system.

We believe that these objectives can be met while protecting critical transportation infrastructure and ensuring that development approvals do not unintentionally compromise aviation safety or the long-term operation of BBTCA and other urban airports. Our proposals below will, we believe, achieve the objectives of creating a fairer and more consistent planning process by clarifying the rules around airspace throughout Ontario.

As set out in more detail below, we believe that the proposed updates present an important opportunity to address a gap in the planning framework around urban airports.

Specific Proposals

1. The New Official Plan Framework Should Integrate Airport Operating Areas (AOAs)

The proposed changes to the Planning Act in Bill 98 (Schedule 7) propose a standardized structure for local official plans and a standardized set of land-use designations for use by lower- and single-tier municipalities and planning boards. The TPA supports this change and the Province's intent to make official plans more consistent, easier to navigate, and less complex.

The Toronto Port Authority owns and operates:
L'Administration portuaire de Toronto possède et exploite :



The TPA also strongly supports the Province's proposal that municipalities must include policies relating to development near airports where the same exist in or near the municipality.

The TPA believes further gains in fairness and consistency could be made by integrating the concept of Airport Operating Areas (AOAs) into applicable official plans. The idea of the AOA is to identify all lands where surrounding development may affect aviation safety or airport operations.

To explain further, in the case of BBTCA and other airports, the area where municipal development decisions may affect aviation safety or airport operations (which could, in turn, impact the economic role and viability of airports) extends beyond airport property boundaries and beyond the geographic limits of any Airport Zoning Regulations (AZR). Development in the surrounding area can affect approach and departure paths and instrument flight procedures, which in turn affect aviation safety and function.

The failure of an Official Plan to set out an AOA creates a recurring risk that planning applications can be pursued without review by the applicable airport and NAV CANADA. The TPA has seen this occur on several occasions as it relates to BBTCA, and the result has been unsatisfactory for all involved, with the developers and even the City sometimes being "surprised" by the extent of the AOA, and BBTCA and NAV CANADA having to play "catch up" on applications that they might only become aware of late in the process. Having the AOA integrated into standardized official plans will reduce this friction for all parties – providing a clear direction on the "when" landowners and municipalities need to engage in analysis pursuant to Section 3.4 of the Provincial Planning Statement. This would support quicker planning review and address aviation safety issues early, avoiding costly delays, redesigns and slow approvals.

Recommendation: Require Airport Operating Areas in Official Plans

The TPA recommends that the Province require municipalities to identify AOAs in official plans for airports where surrounding development may affect aviation safety or operations. Within such areas, the planning framework should:

- Expressly recognize the existence and function of the airport;
- Require circulation of development applications and relevant planning changes to the airport operator and NAV CANADA;
- Support land use compatibility review relating to protected airspace and construction-stage impacts;
- Require the implementation of appropriate mitigation measures, including warning clauses and receptor-based mitigation, in new development within the AOA; and
- Ensure that development does not undermine the long-term operation and economic role of the airport.

2. Automatic As-of-Right Permissions Pose Direct Safety Risks Near Airports

In a previous round of statutory amendments, the Province introduced the "automatic variance" concept for certain matters relating to built form. The TPA has some concerns with the potential impacts these automatic variances could have on airports. As noted above, development in the



AOA's can affect approach and departure paths and instrument flight procedures, which in turn affect aviation safety and function.

As the Province considers streamlined planning tools, including various forms of as-of-right permissions, it is critical to recognize that their application near airports introduces significant and avoidable safety risks. At BBTCA, 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 or other temporary structure intrusions into flight paths during construction;
- Create long-term hazards that restrict airport operations; and
- Undermine Transport Canada airspace protection requirements.

BBTCA 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 the TPA and NAV CANADA can assess impacts on flight paths and protected surfaces. Removing this review step eliminates essential oversight. This concern applies to height, massing, and setback changes alike.

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

The TPA strongly recommends that the airspace required for the safe and efficient operation of BBTCA, as defined by its AOAs, be exempt from all as-of-right permissions. This would align with the proposal to identify the AOAs in the official plan, as noted above, and to treat airport areas similarly to 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.

3. Airport Appeal Rights Should Be Restored Beyond AZR Boundaries

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 AZR.

The Province did try to address issues related to airports by designating them as a “specified person” under subsection 1(1) of the *Planning Act*. However, pursuant to subsection 1(1), the relevant definition was defined narrowly, specifically, it reads:

(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,

In short, this limits the right of appeal to only those lands that fall within the AZR, but not to the broader AOA discussed above. 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

The TPA recommends that the Province use Bill 98 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 geographic qualifier from the definition of “specified person”, while still limiting the appeal rights to airports with approved AZRs. The updated definition would read as follows:

(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,

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 take into account their long-term operations and economic role, while also protecting the public. Specifically, section 3.4.1 of PPS 2024 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.”*

And 3.4.2 of PPS 2024 requires that:

*“Airports shall be protected from incompatible land uses and development by:
a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP;
b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and
c) prohibiting land uses which may cause a potential aviation safety hazard.”*

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.



All three recommendations support this direction. Requiring AOAs in official plans would help ensure that airports and their operational influence areas are clearly recognized in the planning framework. Excluding AOAs from as-of-right permissions would help prevent automatic approvals from creating unintended intrusions into protected airspace or other hazards to aviation operations. While restoring airport appeal rights beyond AZR boundaries would address the current policy gap, where development outside an AZR may still interfere with flight procedures, but there is no mechanism to appeal. Taken together, these measures would better align the planning framework with PPS 2024 by helping to ensure that land-use decisions in the vicinity of airports protect their long-term operations and economic roles.

These measures would also improve certainty in the development approvals process. Clear official plan policies, defined AOAs, and early notification requirements would help ensure that proponents are aware of aviation constraints early, before significant design work, approvals, and expenses have been incurred.

Conclusion

The Toronto Port Authority supports the Province's objective to streamline planning approvals and facilitate housing and infrastructure development. However, planning reform must continue to account for airport and port operational areas where safety, infrastructure protection, and long-term operational needs require a more tailored approach.

As the Province advances a new standardized official plan framework, it should ensure that municipalities have a clear mechanism to recognize and protect airport operational influence areas. In Toronto, this should include formal recognition of an AOA for BBTCA within the City's planning framework, together with notification and circulation requirements that allow aviation-related issues to be identified and addressed early.

This would support a balanced approach that advances growth, protects critical transportation infrastructure, and aligns with Provincial policy direction. It would also improve certainty in the development approvals process by creating clear lines of engagement early, before proponents have invested significant time and resources in proposals that may later require redesign to address aviation safety constraints. In that way, these measures can help reduce avoidable delay and support a more predictable path for housing and other development.

The Toronto Port Authority welcomes further discussion with Provincial staff and would be pleased to meet to review these comments in more detail.

Sincerely,

A handwritten signature in black ink, appearing to read "RJ Steenstra", written over a thin horizontal line.

RJ Steenstra
President & Chief Executive Officer
Toronto Port Authority