

November 14, 2022

Isaiah Thorning, Committee Clerk
Standing Committee on Heritage, Infrastructure and Cultural Policy
Whitney Block
Room 1405
99 Wellesley Street W
Toronto ON M7A 1A2

Dear Mr. Thorning

RE: ERO Number 019-6163
Proposed third party *Planning Act* appeal change (Schedule 9 of Bill 23 – the proposed *More Homes Built Faster Act, 2022*)

Atlantic Packaging Products Ltd. ("**Atlantic**") is a long standing (over 75 years) Canadian success story employing many Ontarian's at its nine facilities throughout Ontario, with additional facilities in Quebec and the United States. Atlantic produces paper products ranging from corrugated packaging to recyclable paper bag products and retail displays. As part of Ontario's industrial network, Atlantic is concerned with Bill 23's proposed changes with respect to dramatically limiting third party *Planning Act* appeals.

Specifically, by eliminating third party appeals for all planning matters Atlantic is concerned that major industries will have no ability to protect themselves from sensitive land uses encroaching on areas zoned for industry.

Such encroachments will place industry at risk with this resulting uncertainty having the downstream effect of reducing investment into new facilities, or expanding existing facilities, which could dramatically reduce manufacturing and industry operations in the Province.

CONTEXT

As mentioned above, Atlantic operates facilities throughout Ontario, including Whitby, Scarborough, Brockville, Greater Sudbury, Ingersoll, Mississauga, Brampton and East York, and regularly invests and expands upon these facilities. Accordingly, overtime these facilities have become long term, established industries within their communities, employing many local residents.

For example, Atlantic operates a paper mill zoned M1 Restricted Industrial Zone at 1900 Thickson Road South in Whitby, Ontario, which employs approximately 130 people and has been in operation since 1989. Atlantic also operates a Class II manufacturing facility (as that term is used in the D-6 Guideline, "Compatibility between Industrial Facilities and a Sensitive Land Use") at 333 Progress Avenue, Scarborough, Ontario, which operates 7 days a week, 24 hours a day with considerable shipping and receiving taking place. This facility has been open since 2006.

Through facilities such as these, as well as many others, Atlantic has proudly been leading the way in environmental responsibility while also providing employment and profit to the province. However, to operate these facilities there is the potential to cause offsite air quality, odour and noise impacts to nearby properties resulting in incompatibility with certain land uses.

LAND USE COMPATIBILITY

As it stands, the current legislative scheme permits, under certain circumstances, the introduction of sensitive land uses within the potential influence area of industrial facilities, such as those referenced above, thereby triggering the need for considerable mitigation to ensure compatibility between the existing industry and the introduction of new sensitive land uses. The more sensitive land uses encroach on industrial operations, the greater the amount of mitigation needed and the greater the potential for complaints.

Currently, it is often left to industry, such as Atlantic, to ensure appropriate mitigation measures are instituted by using third party appeals of the introduction of sensitive land uses that may be impacted by the industry. Municipalities generally lack both the expertise and the requisite data to be able to effectively consider the impact on industry of a new sensitive land use.

Through the existing appeal process industry is able to assist in identifying potential mitigation measures that could be implemented to protect existing industrial operations while allowing future development in the area. This collaborative process ensures greater land use compatibility throughout the province, benefitting all parties. More homes can be built quicker while jobs are protected and ideally expanded.

With the proposed limitation of third party appeals for all planning matters, industry will not only be left vulnerable to complaints from new developments and potential burdensome regulation, but the province will be left without valuable input to assist with technical determinations regarding impacts on sensitive land use and the most efficient mitigation measures to increase land use compatibility. In combination, the consequences are dire for both industry and the province, as industry permitting will be placed at risk, decreasing investment into these facilities, and sensitive land uses may be exposed to irritants and health hazards, as industries' expertise will be excluded from ensuring proper mitigation of potential air quality, odour and noise impacts, among others.

It is Atlantic's belief that these consequences were not the intention of the Ontario Government when Bill 23 was proposed. Accordingly, Atlantic requests that the proposed change limiting third party appeals for all planning matters be reconsidered and revised to continue to allow industry to appeal planning matters that have an impact on their facilities.

Please be advised that Atlantic welcomes further discussion with the Committee and looks forward to continuing the dialog on this matter.

Yours truly,



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