



Authorized commenting Agency for



May 19, 2023

Hon. Steve Clark, Minister

Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

Via email: planningconsultation@ontario.ca

Dear Hon. Steve Clark:

**RE: Site Plan for Residential Developments of 10 or Fewer Units on a Single Lot
Proposed New Minister's Regulations under the *Planning Act* and the *City of Toronto Act, 2006*
ERO number 019-6822**

MacNaughton Hermsen Britton Clarkson ("MHBC") are the planning consultants for TransCanada Pipelines Limited ("TCPL"). This letter is in response to the proposed new Minister's Regulations under the *Planning Act* and the *City of Toronto Act, 2006* for site plan control for residential developments of 10 or fewer units on a single lot, associated with the proposed new regulations through Bill 97: the *Helping Homebuyers, Protecting Tenants Act, 2023*.

TCPL operates a system of large-diameter, high-pressure inter-provincial natural gas transmission pipelines located throughout the Province of Ontario, and operates associated facilities, such as industrial-scale compressor stations. TCPL's pipelines and related facilities are regulated federally by the Canada Energy Regulator ("CER"). As such, certain activities must comply with the *Canadian Energy Regulator Act* ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

To conform to the Act and Regulations, TCPL actively monitors development activity in proximity to its pipelines and facilities, including:

- New development within 200 metres of TCPL's pipelines that increases population and/or employment density, to ensure conformance with the pipeline class location factors incorporated in CSA standard Z662.
- Development of sensitive land uses within 750 metres of a TCPL compressor station, to ensure land use compatibility in proximity to major facilities and that appropriate noise and safety mitigation measures are implemented.
- Development and ground disturbance within 30 metres of TCPL's pipelines, which requires Authorization from TCPL to conform with Section 335 of the Act.

By receiving notices from municipalities of development activity, TCPL has an opportunity to ensure designs conform to the Act and Regulations for the safety and protection of the public, its employees, the environment, as well as its pipeline facilities and other property.

Policy Context

Within the provincial planning regime, TCPL's pipelines and facilities are defined in the *Provincial Policy Statement, 2020* ("PPS") as Infrastructure and Major Facilities. The PPS identifies the responsibility of planning authorities to plan for and protect corridors and rights-of-way for infrastructure (1.6.8.1), and includes land use compatibility policies to protect the long-term operational and economic viability of major facilities vulnerable to the encroachment of sensitive land uses (1.2.6.1 & 1.2.6.2).

Section 41 of the *Planning Act* provides for local municipalities to establish and designate site plan control areas, which allow municipal council to control certain matters on and around a site proposed for development. Prior to Bill 23: the *More Homes Built Faster Act, 2022*, "development" was defined in the *Planning Act* as:

"The construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has an effect of substantially increasing the size or usability thereof [...]"

Through Bill 23, the definition of development was amended to exclude residential developments of 10 or fewer units on a lot from site plan control. The new regulations proposed through Bill 97 seek to amend this definition further to permit the use of site plan control for parcels of land within 120 metres of a shoreline and within 300 metres of a railway line, referred to as "prescribed areas".

TCPL requests that the Minister further amend the *Planning Act* and the *City of Toronto Act, 2006* to identify land within 200 metres of a TCPL pipeline and within 750 metres of a TCPL compressor station facility as a prescribed area, similar to those identified for a shoreline and a railway line. By identifying the lands within 200 metres of these inter-provincial pipelines and 750 metres of compressor stations as a prescribed area, the provincial site plan control legislation will align with federal regulations for the safety and protection of the public, workers, the environment, and national pipeline infrastructure.

Thank you for the opportunity to comment. Please forward a copy of the decision to the undersigned by mail or by email to TCEnergy@mhbcplan.com. If you have any questions, do not hesitate to contact our office.

Sincerely,

MHBC



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