

PG 28.2.259

STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

Calvin Lantz
Direct: (416) 869-5669
E-mail: clantz@stikeman.com

BY E-MAIL
clerk@toronto.ca

December 13, 2013
File No.: 135211.1001

Mayor and Members of Council
City of Toronto
Metro Hall, 24th Floor
55 John Street
Toronto, ON M5V 3C6

Attention: Your Worship and Members of Council

Dear Sirs/Mesdames:

**Re: City Council Meeting - December 16/17, 2013
Planning and Growth Management Committee Matter
Proposed Official Plan Amendment No. 231 Pertaining to Economic Health Policies and
the Policies, Designations and Mapping for Employment Areas ("OPA 231")
Canadian Propane Association**

We are solicitors for Canadian Propane Association ("CPA"), the national voice of the Canadian propane industry. We understand that OPA 231 will proceed to the Council meeting on December 16/17, 2013 where it is expected to be approved. While our client is supportive of the City's efforts to protect employment uses, on behalf of our client, we raise the following concerns with OPA 231.

Propane is a liquefied natural gas that is commonly used as a fuel for: building heat; cooking; standby generation; refrigeration; temporary heat applications; welding; processing/manufacturing and transportation purposes. You will likely find propane being used at residences, hospitals, hotels, schools, restaurants, laundromats, community/private arenas, retail stores (like Home Depot), construction sites, industries, warehouses, "gas" stations, campgrounds, backyard barbeques, etc.

Propane is also being used increasingly for vehicle fuels, cars, trucks, forklifts and ice resurfacing vehicles, in particular. It is the third most popular vehicle fuel in Canada, behind gasoline and diesel fuel.

How does propane get to the people who use it? Propane is shipped from its point of production to bulk distribution terminals via pipeline, railroad, barge, truck, or tanker ship. Bulk distribution terminals are known as propane transfer, handling

RECEIVED
CITY CLERK'S OFFICE
SECRETARIAT 12 W
2013 DEC 13 PM 1 14

TORONTO
MONTRÉAL
OTTAWA
CALGARY
VANCOUVER
NEW YORK
LONDON
SYDNEY

and storage facilities in the City of Toronto. Propane dealers fill their tanker trucks at the bulk terminals and distribute propane to end users, including "gas" stations. Cylinders used to power vehicles such as fork lifts, cylinders used for construction heat and other cylinders including the "tanks" for home barbequing are also filled at the bulk distribution terminals.

Propane transfer, handling and storage facilities are absolutely essential to the economy and functioning of the City of Toronto, and there are approximately 100 such propane facilities currently located in the City.

The City of Toronto Council approved Zoning By-law 569-2013 requires a propane transfer, handling and storage facility to be located on property zoned Employment Heavy Industrial Zone (EH) and that such lot must be at least 500 metres from a lot in a Residential Zone category, Residential Apartment Zone category, Commercial Zone category, Commercial Residential Zone category, Commercial Residential Employment Zone category, Institutional Zone category, or Open Space Zone category.

While CPA respectfully disagrees with some of the regulations in By-law 569-2013 pertaining to propane facilities, it would be appropriate to have policies in OPA 231 to protect such propane facilities from rezonings that add sensitive land uses within the required setback area of a propane facility. If a rezoning to permit a sensitive land use should occur within the required propane facility separation distance, the propane facility use does not become a legal non-conforming use but becomes an illegal use (because the use complied with the By-law and the terms of the By-law were not changed to cause the non-compliance) through no fault of the propane facility.

In furtherance of the City's goal in Policy 2.2.4 of OPA 231 to "*conserve our Employment Areas, now and in the longer term, to expand existing businesses and incubate and welcome new businesses*" it is important to ensure that OPA 231 policies encourage propane facilities in the City of Toronto and protect such uses from an inadvertent zoning condition that would render them illegal.

It is our submission that OPA 231 policies for Employment Areas, and policies respecting Regeneration, Mixed Use and Residential Area designations in the Official Plan should reference the need to ensure that permissions for sensitive land uses in Employment Areas and areas external to Employment Areas do not encroach on the separation requirements for propane facilities established in Zoning By-law 569-2013.

Conclusion

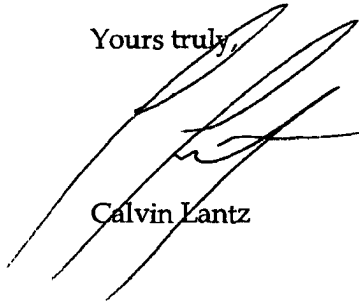
The above noted list of concerns with OPA 231 is not exhaustive and we would welcome the opportunity to discuss them with City staff. This correspondence serves to protect our client's right to appeal OPA 231 to the Ontario Municipal Board, should it be required. We also reserve the right to raise additional

comments and concerns as OPA 231 is subject to further refinement and Council approval.

Please keep us apprised of the status of the OPA 231 by providing us with copies of any further staff reports, notice of any further public meetings, committees of Council and Council meetings and copies of all decisions made by Council, that are concerned with this OPA.

Should you have any questions respecting this request, kindly contact the writer at your earliest convenience.

Yours truly,



Calvin Lantz

CL/na

- cc. Ulli S. Watkiss, *Clerk, City of Toronto*
Nancy Martins, *Administrator, PGMC, City of Toronto*
Paul Bain, *City Planning*
Andy Bite, *Canadian Propane Association*
Andrea Labelle, *Canadian Propane Association*