

July 17, 2023

BY EMAIL

Our File No.: 168129

City of Toronto Council c/o Sylwia Przewdziecki
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor Chow and Members of City Council:

Re: Item PH5.2 - Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas

On behalf of:

- **Shell Canada Products (3978 Keele Street)**
- **Imperial Oil (1150 Finch Avenue West)**
- **Suncor Energy Products Partnership (1138 Finch Avenue West)**

Aird & Berlis LLP is legal counsel for Shell Canada (“Shell”), Imperial Oil (“Imperial”) and Suncor Energy Products Partnership (“Suncor”) with respect to certain land use planning matters in the vicinity of three large fuel storage and distribution terminals located in the north east quadrant of Keele Street and Finch Avenue West (the “Fuel Terminals”).

On behalf of Shell, we submitted the attached correspondence to the Planning and Housing Committee, setting out Shell’s support for the City’s proposed Official Plan Amendment 668 (“OPA 668”). Imperial and Suncor share Shell’s concerns regarding the encroachment of sensitive uses in the *Employment Area* surrounding the Fuel Terminals.

Imperial and Suncor have now had the opportunity to review this matter and adopt the submissions contained in the attached correspondence. Shell, Imperial and Suncor support the City’s efforts, through OPA 668 to ensure the integrity of the *Employment Area* is maintained.

Should you have any questions concerning the above, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Laura Dean

Partner

LD:km
Attachment

July 4, 2023

BY EMAIL

Our File No.: 168129

City of Toronto Planning and Housing Committee
c/o Nancy Martins
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins

Re: Item PH5.2

Official Plan Amendment for Bill 97 Transition - Authorizing the Continuation of Institutional and Commercial Uses in Employment Areas

On behalf of:

- **Shell Canada Products (3978 Keele Street)**

Aird & Berlis LLP is legal counsel for Shell Canada (“Shell”) with respect to certain land use planning matters in the vicinity of its fuel storage and distribution terminal located at the property known municipally as 3978 Keele Street.

The Shell Terminal is one of three large fuel storage and distribution terminals located in the north east quadrant of Keele Street and Finch Avenue West (the “Fuel Terminals”).

The Fuel Terminals are located within the DUKE Heights BIA.

The Fuel Terminals have operated in this area since the mid-1950s. Combined, the Fuel Terminals ship approximately 750 tanker trucks of fuel per day and operate 24 hours/day, 7 days/week, 365 day/s year. Ninety-five percent (95%) of the liquid transportation fuel used in the Greater Toronto Area is transported from the Fuel Terminals.

The Fuel Terminals are situated on lands zoned Employment Heavy Industrial (EH) pursuant to the City of Toronto’s Zoning By-law 569-2013 and are designated *Core Employment Areas* on Map 16 of the City’s Official Plan.

The Fuel Terminals play a critical role in supplying fuel to Toronto area residents and businesses and are integral to the local, provincial and national economies. The Fuel Terminals must therefore be protected from the encroachment of incompatible uses which pose public safety and operational concerns.

The purpose of this correspondence is to express our client’s support for the proposed Official Plan Amendment 668 (“OPA 668”). Given the heavy industrial nature of our client’s operations and reliance on a stable operating environment, our client supports staff’s position that any development applications to remove (or convert) land designated *Core Employment Areas* or *General Employment Areas* to non-employment uses would still be subject to the City’s Official Plan policies respecting the conversion of these lands once the new *Planning Act* “area of employment” definition comes into force.

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Shell supports the new “area of employment” definition, introduced by the province through Bill 97. The new definition explicitly excludes institutional, office and retail uses which are not related to the employment uses within the area of employment.

This definition is likely to protect the Fuel Terminals by ensuring new potentially sensitive uses are not permitted to establish within their vicinity. The new definition would also make it more challenging for existing institutional, office and retail uses to convert to, introduce or expand a sensitive use.

Shell supports the City’s efforts, through OPA 668, to ensure the integrity of its employment areas are maintained.

Should you have any questions concerning the above, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP



Laura Dean
Partner

LD:km