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Via Email ([councilmeeting@toronto.ca](mailto:councilmeeting@toronto.ca))

Her Worship Olivia Chow, Mayor of Toronto  
City of Toronto, Office of the Mayor  
Toronto City Hall  
100 Queen Street West, 2nd Floor  
Toronto, ON M5H 2N2

City of Toronto City Council  
c/o Sylwia Przewdziecki, Manager, City Council,  
Committees, and By-laws  
City of Toronto, City Clerk's Office  
Toronto City Hall  
100 Queen Street West, West Tower, 12th Floor  
Toronto, ON M5H 2N2

To Whom it May Concern:

**Re: Billy Bishop Toronto City Airport – Runway End Safety Areas**

We represent the Toronto Port Authority (“**PortsToronto**”), the owner and operator of Billy Bishop Toronto City Airport (“**Billy Bishop Airport**”), located on the lands municipally known as 1 Island Airport in the City of Toronto (the “**City**”).

PortsToronto and Billy Bishop Airport operate in accordance with the federal *Canada Marine Act*, S.C. 1998, c. 10 (the “**Canada Marine Act**”) and the letters patent issued by the federal Minister of Transport. Further, Billy Bishop Airport is a vital infrastructure component in the City – it ranks as Canada’s 9th busiest airport, serves over 2 million passengers annually, generates more than \$2.1 billion for the economy each year, and supports thousands of jobs.

### **Federal Jurisdiction**

In accordance with federal regulatory requirements set by the Government of Canada, PortsToronto must install runway end safety areas (“**RESAs**”) for Billy Bishop Airport before July 12, 2027. The requirement to install RESAs, and the Government of Canada’s ability to regulate aeronautics, is derived from the constitutional distribution of legislative powers under the *Constitution Act, 1867*.

Given the federal government’s jurisdiction over these matters, it is our legal opinion that any municipal or provincial law, including a municipal official plan, has no application to the extent it attempts to inhibit or regulate matters that fall within the federally-regulated jurisdiction over aeronautics, which clearly includes the configuration of aerodrome surfaces, including *inter alia* the size and configuration of runways, runway end safety areas, and other related ancillary works.

**Application of the City of Toronto's Official Plan**

Furthermore, and notwithstanding the position taken in the City staff's report dated September 27, 2024, an Official Plan amendment would not be required for the installation of the RESAs under either "Option 1", "Option 2", or "Option 3" (the "**RESA Options**") in any event. Policy 17 of Chapter 3.4 of the City's Official Plan clearly notes that lakefilling projects in Lake Ontario "will be supported" by the City when the land created is used for "essential public works" which the RESA installation clearly is.

Simply put, RESA compliance constitutes an "essential public work", given the mandatory requirement to comply with federal regulations to install such RESAs before July 12, 2027. The specific appropriate RESA Option for Billy Bishop Airport may be chosen considering numerous factors like safety, cost, environmental impacts, impacts on efficient airport operations, and it will nonetheless remain "essential public work."

The selection of a specific RESA Option not favoured by City Staff does not classify such RESA work as a "non-essential public work" simply because other options exist that are more preferred by either City staff or City Council. Bluntly, neither City staff nor City Council have the sole authority to decide whether an Official Plan amendment is required.

**Conclusion**

PortsToronto is pleased to continue speaking with the City on this matter to ensure that the safe operation of Billy Bishop Airport and its compliance with federal regulatory requirements is not impaired.

We greatly appreciate your immediate attention to this matter.

Yours truly,

**McCarthy Tétrault LLP**



Michael Foderick\*  
Partner | Associé

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