

2018 Canada Ports Modernization Review Submission

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(On Behalf of the Residents of Spadina-Fort York)**

The following submission has been drafted from notes that were taken at a community town hall in Spadina-Fort York on Ports Modernization.

Governance

There is general consensus that with the Toronto Port Authority (TPA), there is a focus on profit over and above other priorities that are equally critical. The TPA plays a lead governance role over one of the most important watersheds in Canada, and as such they must have both a community based and corporate mandate that safeguards the environment while addressing the need to be financially self-sufficient. In order to do this there must be ongoing and meaningful consultations with local community members, stakeholder groups and local organizations and businesses. Additionally, the proceeds from the sale of public land under control of the TPA must support all activities of the port. The proceeds need to support port operations and be consistent with the vision for the waterfront as outlined in the Waterfront Toronto masterplan. This should be enforced by Transport Canada. Furthermore, federal assets sold in the precinct should contribute to other waterfront community projects, such as the Toronto waterfront. The TPA should be contributing to revitalization not confronting it, and wherever possible it should make a positive financial contribution.

It was stated that there is nothing in the TPA governance model that requires them to act in the public interest, which has created a shield for bad corporate behavior. The TPA is structured as a self-sufficient entity and operates as an arm's length organization, which encourages them to look after their own interests. The question is who are they accountable to? Public consultations are addressed on the TPA website, however, it is stated that they consult with "users" when they believe an issue is significant. Who are defined as users and what classifies an issue as significant? Transport Canada should mandate to install sensors to monitor these areas and ensure a broader representation on the Board to reflect the competing waterfront uses.

Better data and regular measurement of port impacts (noise water quality air quality etc) should be built into the operating specification. The public should not have to wait

for formal consultations and new projects to generate and review data. Data should constantly be collected so that anyone can analyze that data at any time, and if there were changes in data it would be recognized and reviewed before it was locked in or institutionalized.

In order for the port authorities to be completely representative, appointed board members must be made up of community members and organizations (i.e., environmental, safety, municipal, and actual port businesses that reflect community concerns). The remaining board seats should be filled by people who represent stakeholders in the community. People from outside the city who do not understand the needs of the local community should not be appointed to govern. Everyone who gets nominated to be on the board should face a nominating committee of community members, and this should be a public process for applications. Accountability needs to be built into the process. There should be complete transparency and access to the people who make decisions with regard to the Toronto waterfront. Board meetings should be governed by the same rules municipalities are with regards to published agendas, deputations and public meetings. Additionally, municipal representation is crucial for accountability.

There should also be a board member mandated to attend community stakeholder meetings with the minutes from the TPA meetings tabled at each board meeting by way of a report.

The community recommended that of the nine TPA board members, six must live in Toronto. One should represent the recreational boating community, one should represent the local residents from the waterfront community and one must be a designate of Indigenous Treaty Rights holders.

Indigenous Affairs

On the topic of reconciliation, if the Canadian government is trying to achieve true reconciliation they should have someone from the Mississauga's of New Credit appointed to board of TPA. The waterways of their treaty claim is unresolved.

Status

Based on its shipping volumes, the TPA should not be governed by the Marine Act, as it is not a port of national importance. Its airport should be transferred to the Greater Toronto Airport Authority. It should also be disband and assigned the appropriate Harbour status with a mandate to safeguard the Toronto harbor, and it must operate for the benefit of the City of Toronto. The marinas should be transferred to the municipal government.

The City of Toronto is a great model for transparency. They know when information and discussions should be public and they know when they should be kept private. The City of Toronto is a great model for the TPA, and the City model should be adopted into their letters patent for public disclosure.

The primary need of the waterfront is to serve as a recreational, environmental and cultural resource space for the growing City of Toronto, which has very little to do with the Port Authorities. There is a strong appetite for a more fundamental kind of change. A review should be undertaken of what waterfronts are actually needed for and then the TPA should be structured around the results of that review.

Currently, there is one definition for Port Authorities, which is industrial focused. A new definition should be formed focusing on creating different tiers or different definitions of ports, and the possibility of re-classifying ports as a small craft harbour should be considered.

Environment

Existing environmental groups in Toronto must be given a voice and must be incorporated into the discussion as they already have valuable data and information. The vision, design process and execution of environmental factors should be built into the Port Authorities. Environmental groups and advocates are speaking out about environmental concerns, but there is a general feeling that no one is being heard and that there is no framework embedded into the TPA consultation process with regard to environmental issues.

Water: what role does the harbour play in major factors such as water sales to the United States, glaciers melting and major flooding? Holistic environmental realities

surrounding water should be incorporated into plans and governed by a waterfront commission.

Sewage: there have been major floods in Toronto this past summer, which have resulted in sewer drains overflowing. The airport is dumping into the Toronto sewers and expecting the city to treat this excess sewage, but no other port authority does this. They should not be allowed to do this.

Birds: the pathway over the Toronto Island Airport is a major migration flyway for birds. A review should be conducted to assess the risk to bird species that use this path for migration.

The Port Authorities need to take leadership in reducing omissions from aviation. The federal government should call on all Port Authorities to take steps to reduce carbon omissions by reducing aviation and not by expanding it. There should also be a measured approach to monitoring the waste from the airports that is being fed into the lakes, such as de-icing fluids leaking into the water.

Noise pollution and air pollution are major concerns. Idling airplanes alone are high pollution offenders. There are serious issues with the air pollution in Toronto, yet the Toronto Public Health at the City of Toronto has said they cannot address these issues when it is concerning the Island Airport. There should be new studies completed to deal with air pollution and noise pollution, such as a review of the chemicals being released into the air, and a review of the impact of noise on both birds and fish. Both air and noise pollution should be critically reviewed when considering Port Authority reform and modernization.

Safety

There must be a mandatory requirement for updated public safety reviews and evaluations that are disclosed to the public. There should also be a public safety plan in place in the event of an emergency, and the implementation of mandatory practice drills. The airport should not be allowed to operate if the ferry is not running as it limits the emergency response time in the event of a crash. It was stated that currently there is only one operating emergency police boat. There should be more than one police boat available in the event of an emergency.

The argument to fill in 200 meters on both ends of the runway at the Island Airport was presented under the pretense that the runway is not currently safe. The runway extension never happened, yet the airport continues to operate. Safety regulations should fit into the pre-existing framework of the airport rather than changing the existing foot print to accommodate safety (i.e., flying in smaller planes rather than expanding the runway).

There is a major concern with planes flying into such a densely populated area of buildings, especially in a country like Canada with such volatile weather, as well as concern with the speed of water taxis and ferries in the harbour.

Commerce

The TPA must consider how the operation of the port can sustain social, cultural and recreational growth as well as growing tourism. There needs to be a remedial action plan on this front. There should be a national strategy to address how tourism developments such a cruise ships entering and docking in the harbour may have impacts with regard to pollution and noise. There needs to be environmental, indigenous, social and cultural stewardship.

With regard to pleasure craft usage, the TPA does not have a public interest mandate. They should be mandated to facilitate the growth and sustainability of pleasure craft usage, rather than charging unaffordable prices to dock. There should be a more public and accountable process in handling water slips for access. Small craft launches and navigation needs of the recreational boating community need to be discussed through public consultation with input from members of the boating community.

It was noted that despite this being a significant part of the TPA business model, no yacht club, private tour operator or local boating business has ever sat or been asked to sit on the TPA board. This must be addressed immediately.

Regards,

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