



May 7, 2021

Delivered via email: petitions@oag-bvg.gc.ca

Office of the Auditor General of Canada
Commissioner of the Environment and Sustainable Development

This petition is submitted to the Auditor General of Canada pursuant to section 22 of the [Auditor General Act](#) to forward the following questions to the indicated and any other appropriate federal agencies. The petitioner would welcome any additional comments from agencies not explicitly identified in each question, if pertinent information is available.

Title of Petition: **Federal Funding of the Ontario Line and Canada's Commitment to Sustainable Infrastructure Development**

Name of Petitioner: **Eon Song**

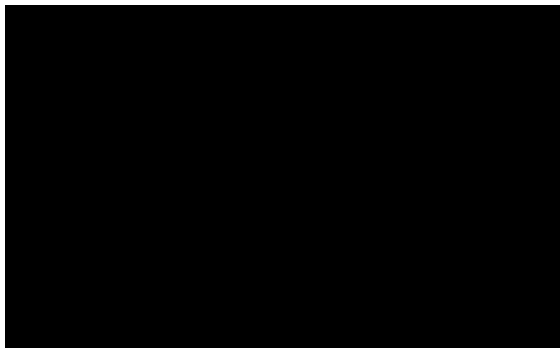
Country of Citizenship of Petitioner: **Canada**

Country of Residency of Petitioner: **Canada**

Organization: **Save Jimmie Simpson!**

Save Jimmie Simpson! is a grass-roots community group, fighting to have the Ontario Line buried in order to save our community's parks, health & well-being. We are community members who support public transit that is environmentally responsible and planned with genuine input from the neighbourhoods in which it is built.

Thank you in advance for your assistance. I look forward to the federal government's responses.



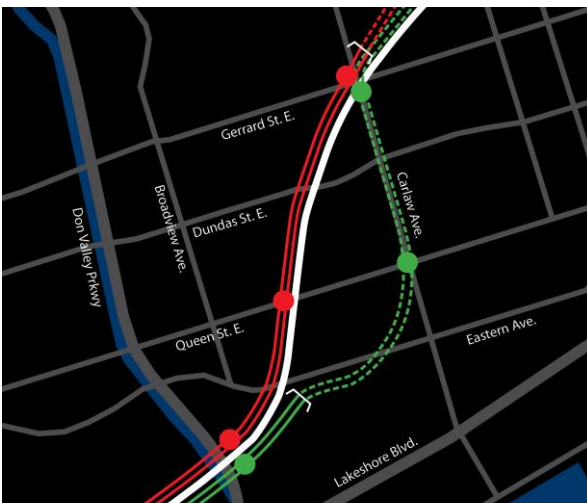


Background on Petition:

The federal government has earmarked \$5.1 billion for the Ontario Line project in Toronto, Ontario.¹ The project is highly controversial as it is proceeding without the benefit of an environmental assessment. The entire route was planned in a matter of a few months without any meaningful public consultation, and Metrolinx, a provincial transit agency, refuses to make planning documents public.

The provincial government in Ontario has undermined the provincial *Environmental Assessment Act*; the passage of Bill 171 allows construction for certain transit projects to proceed without a proper environmental assessment. The provincial Auditor General has rebuked the Ontario government for having violated the Environmental Bill of Rights.²

One of the most contentious parts of the proposal is the roughly 2km segment between Gerrard St and the Don River which is proposed to run above ground through densely populated residential neighbourhoods. Leslieville is typical of a 120-year old community now augmented with apartment buildings and condominiums. Many streets are narrow, yards are postage-stamp sized, and there is little or no unused land. Also, the area has a lower than average amount of green space per resident.³



Roughly 2km of the Ontario Line (in red) is planned to run above ground through a dense residential area. A community-supported underground option (in green) has been ignored by Metrolinx.

¹ We understand the funding may come from the [Investing in Canada Infrastructure Program](#). We also have confirmation of federal funding for the Ontario Line in an email from the office of deputy Prime Minister Chrystia Freeland. This email is attached to this petition.

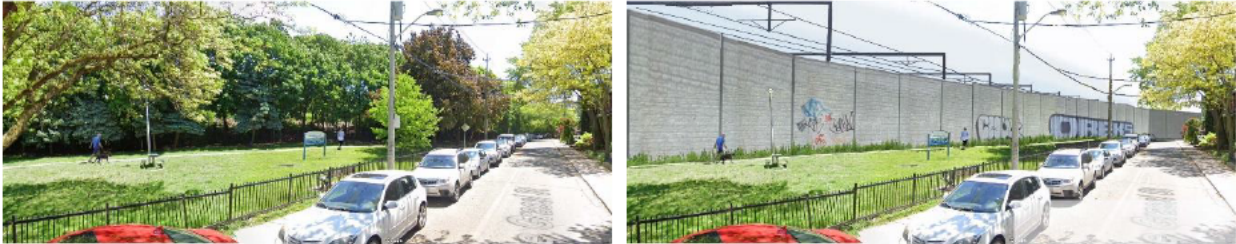
² https://www.auditor.on.ca/en/content/news/20_newsreleases/2020news_ENV_EBR.pdf

³ The City of Toronto, in their extensive Parkland Strategy Report (November 2019), designated our neighbourhood as an Acquisition Priority Area where the city should work to provide *more* parkland. <https://www.toronto.ca/wp-content/uploads/2019/11/97fb-parkland-strategy-full-report-final.pdf>





Leslieville currently accommodates a rail corridor with three lanes of GO, VIA and freight tracks. The Ontario Line, together with a plan to add a fourth GO track, would expand the corridor to six lanes and increase the train frequency from about 150 a day to 800 or more by 2030. The bulk of GO train frequency increase is to be met with diesel trains whose exhaust is known to be carcinogenic.



View of Bruce Mackey Park on Degrassi St., named after the creator of *The Kids of Degrassi Street*. Hundreds of trees along the rail tracks are to be cut down. Community impacts like adverse health consequences from long term exposure to excessive noise and vibration are not being studied by Metrolinx. The rendering on the right shows what the neighbourhood may look like if the Ontario Line runs above ground through Leslieville. Source: Save Jimmie Simpson

The Ontario Line proposal presented by Metrolinx would require significant rail corridor expansion, plus new retaining walls and a noise barrier wall. Existing trains travel on a 5-metre tall berm, so the noise barrier wall will be at least 7 metres in height.

Running a six-track railway route above ground from Gerrard Street East to the Don River will have a devastating environmental and social impact and endanger the health and well-being of Leslieville's wonderfully diverse, family-oriented community.

Because of the adverse impacts anticipated from the proposed Ontario Line, Toronto City Council has been asking Metrolinx to explore and cost out an alternative underground route. Metrolinx has never responded to multiple official requests regarding this from the City of Toronto or repeated calls from local community.

The anticipated impacts are alarming. They range from the loss of parks, rail safety concerns due to the minimal setback distances, and community health risks from exposure to excessive levels of noise, vibration and pollution. Despite running afoul of numerous health and environmental standards, Metrolinx has said it will not study public health risks raised by local residents and health care professionals as part of their environmental assessment.

There are several playgrounds immediately adjacent to the existing tracks, and we believe that the noise, pollution and vibrations caused by having trains every 45 seconds would greatly affect local children's health and wellbeing.

None of Metrolinx's environmental assessments looks at the cumulative effects created by overlapping transport projects: the existing train services and tracks, plus the previously planned GO service expansion and addition of a new track within the existing corridor, and the proposed Ontario Line, which would require turning a great deal of both park land and private properties into part of the megarail corridor.





Expansion of the rail corridor would result in virtually no setback distance to residential homes along Degrassi, Wardell, Saulters, Dundas, Tiverton and First Avenue, compromising community safety.

Indeed, Metrolinx has confirmed their environmental assessment will not look at human health impacts at all, despite the very compact nature of the existing residential, business, and recreation uses.

On April 22 2021, Metrolinx hosted a “live meeting” about the Ontario Line.⁴ Residents of Leslieville made clear their strong support for underground Ontario Line, where virtually every question asked was about the alternate alignment. This meeting comes *after* Infrastructure Ontario has issued an RFP for the Ontario Line, meaning key decisions for the project are already made.⁵

To date, local community has been kept in the dark about the real potential impacts of this project. Metrolinx says they will “consult” community when their Environmental Impact Assessment (EIA) is published in the summer of 2022. Yet we understand construction for the Ontario Line will commence immediately after the EIA, leading many to conclude Metrolinx’s “consultation” is merely window dressing.

Toronto City Council unanimously passed a motion⁶ asking the federal government to carry out a thorough impact assessment of the Ontario Line.

⁴ <https://www.metrolinxengage.com/en/OLliveApril22>

⁵ Ontario Line RFP was issued on December 17, 2020: <https://www.infrastructureontario.ca/Projects/?projectTypeId=-1&searchtext=ontario+line>

⁶ <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM31.12>

SAVE!
JIMMIE
SIMPSON!



Petition:

1. [Department of Finance, Infrastructure Canada, Transport Canada and Health Canada] Does the federal government have a responsibility to ensure that large infrastructure projects receiving a significant federal funding, like the Ontario Line, abide by Canada's commitment to Sustainable Development Goals? If so, what kind of information is being sought from the Province of Ontario as the federal government carries out its due diligence on the Ontario Line project in order to vet its sustainability and the ultimate funding decision?
2. [Infrastructure Canada] One of Infrastructure Canada's 2020-21 Departmental Goals is to "support informed decision-making" by "ensuring that Canadians have access to accurate and timely information about infrastructure investments in their communities."
 - (a) How are these large funding decisions made? Does the federal government consult other federal agencies, namely Transport Canada and Health Canada?
 - (b) Regarding the \$5.1 billion earmarked for the Ontario Line, are there specific criteria or conditions that the Province of Ontario and the proponent Metrolinx must meet, specifically as they relate to public consultation and a thorough environmental assessment including health impacts?
 - (c) Is there an opportunity for the public to provide input to the federal government as it considers infrastructure spending to ensure federal funds are used in line with its SDG commitment that all Canadians live in clean, sustainable communities that contribute to their health and well-being? If so, who is the appropriate contact person?
3. [Health Canada and Public Health Agency of Canada (PHAC)] Health Canada, in its Canadian Handbook on Health Impact Assessment⁷, stipulates that a "health assessment needs to be integrated into Environmental Assessment" to ensure "the health and well-being of individuals and society is not compromised." Health Canada goes on to say "these issues can go unnoticed by developers and be easily ignored unless individuals or communities raise them."

As mentioned above, the City of Toronto passed a motion asking the federal government to carry out a thorough environmental assessment.⁸ The South Riverdale Community Health Centre, which has a long history of caring for community health in the larger Riverdale area, similarly called for a federally conducted assessment to ensure the Ontario Line does not compromise community health.⁹

- (a) Metrolinx has confirmed that their environmental impact assessment will not look at health impacts.¹⁰ Would Health Canada and PHAC be favourable to making a health assessment a requirement for any federally funded infrastructure project reasonably expected to compromise Canadian's health and well-being?

⁷ http://hiacconnect.edu.au/old/files/hia-Volume_1.pdf

⁸ City Council adopted MM31.12 in April 2021 expressing support for Save Jimmie Simpson and the Lakeshore East Community Advisory Committee's request that the above ground section of the Ontario Line through Leslieville be designated for a federal Environmental Assessment pursuant to s. 9(1) of the Impact Assessment Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM31.12>

⁹ <https://twitter.com/SRiverdaleCHC/status/1363857454044483584?s=19>

¹⁰ Metrolinx letter dated February 26, 2021 is attached to this petition.





- (b) Health Canada states in Guidance for Evaluating Human Health Impacts in Environmental Assessment¹¹, “the determination of %HA is a widely accepted indicator of the human health effects of long-term noise exposure.” It stipulates “a calculation of baseline percent highly annoyed (%HA) at receptors” be provided in environmental assessment. Metrolinx has failed to provide %HA and has confirmed it does not plan to.¹² Would Health Canada and PHAC view favourably the inclusion of %HA and potential health effects of project noise (generated both during construction and ongoing operation activities) in an environmental assessment for the federally funded Ontario Line?
- (c) In responding to the request to designate the Ontario Line project, Health Canada has indicated a number of key human health risks related to the Ontario Line project that have not been assessed by Metrolinx.¹³ This includes failure to study exposure to diesel particulate matter, lack of gender-based analysis of potential health effects and no study into cumulative effects of multiple projects on human health. Does Health Canada and PHAC agree that no federal funding decision should be made before these health-related factors are fully investigated and consultation with the impacted communities is carried out?
- (d) According to Health Canada’s Departmental Sustainable Development Strategy 2020-21, departmental actions to support “safe and healthy communities” include providing “health expertise to support the strategic assessment of proposed major projects.”¹⁴ In the absence of a provincially conducted health assessment, is there a role Health Canada or PHAC can play to address community concerns about public health and safety risks posed by the federally funded Ontario Line?
4. [Health Canada and Transport Canada] What noise and vibration levels does the federal government deem safe for Canadians, and will it ensure that any project it finances abides by these environmental and health standards?
5. [Infrastructure Canada, Health Canada and Transport Canada] Previous bilateral funding agreement¹⁵ between Ontario and Ottawa has included conditions like environmental assessment and aboriginal consultation.

Will the federal government consider placing contingencies on federal funding of the Ontario Line to promote Canada’s commitment to building safe and healthy communities? Such contingencies may include:

- A successful completion of a Health Impact Assessment conducted by an independent public health agency;
- Local government’s endorsement on any final design; and
- Proof of thorough consultation with the municipal government and with local communities.

¹¹ <https://www.ceaa.gc.ca/050/documents/p80054/119378E.pdf>

¹² Metrolinx letter dated February 26, 2021 is attached to this petition.

¹³ <https://iaac-aeic.gc.ca/050/evaluations/proj/81350/contributions/id/53979>

¹⁴ <https://www.canada.ca/en/health-canada/corporate/about-health-canada/reports-publications/sustainable-development/health-canada-departmental-sustainable-development-strategy-2020-2021.html#a2.5>

¹⁵ <https://www.infrastructure.gc.ca/prog/agreements-ententes/2018/2018-on-eng.html>





6. [Infrastructure Canada, Transport Canada and Health Canada] *Integrated Approaches to Sustainable Infrastructure*¹⁶ developed by UN Environment asks governments to (a) consider environmental, social and economic aspects of sustainability across the entire life-cycle of infrastructure, (b) do so as far upstream in decision-making processes as possible and (c) incorporate stakeholder consultation and public participation from the outset.

The *Good Practice Guidance Framework for Sustainable Infrastructure*¹⁷ states “consultation processes must also be designed with enough time to allow for stakeholders to provide feedback, and they must begin early enough in decision-making processes to enable stakeholders to have input on key decisions about what to build and where to build it.”

As a signatory to the UN Sustainable Development Goals, are there specific actions the federal government has taken to promote sustainable infrastructure development as it relates to the Ontario Line?

7. [Infrastructure Canada, Transport Canada and Health Canada] The Canadian Transportation Act Review¹⁸ recommends that “the federal government provide leadership in addressing incompatible land use around rail operations by driving a substantive dialogue between all jurisdictions and stakeholders.”

What kind of federal leadership is envisioned in addressing proximity issues (acceptable levels of noise and vibration along the rail corridor and safety setback distance between trains and residential homes) and the consequent public health risks posed by the Ontario Line project?

8. [Infrastructure Canada and Transport Canada] The 2018 Railway Safety Act Review points out the rail safety challenges of today require “efforts of multiple levels of government” and “the Canadian public” to resolve. The City of Toronto passed a motion¹⁹ officially asking Metrolinx to put the Ontario Line underground in Leslieville. A change.org petition²⁰ to keep the Ontario Line underground has received 6,000 endorsements.

Is the federal government concerned that Metrolinx is pursuing a plan that is supported by neither the municipal government nor the local communities? If so, as the main funder of the project, is there a role for the federal government to encourage the provincial government to carry out meaningful consultation with the municipal government (City of Toronto) and the local communities and seek acceptable alternative solutions?

¹⁶ <https://wedocs.unep.org/handle/20.500.11822/32664>

¹⁷ The Good Practice Guidance Framework for Sustainable Infrastructure is being developed as part of the implementation of United Nations Environment Assembly (UNEA) Resolution 4/5 on sustainable infrastructure (UNEP/EA.4/Res.5). https://www.greengrowthknowledge.org/sites/default/files/uploads/SI%20Good%20Practice%20Guidance_Review%20Draft_ENG.pdf

¹⁸ https://tc.canada.ca/sites/default/files/migrated/ctar_vol1_en.pdf

¹⁹ <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM28.17>

²⁰ <https://www.change.org/p/government-of-ontario-keep-the-ontario-line-underground>





9. [Department of Finance, Infrastructure Canada, Health Canada and Transport Canada] The Canadian Transportation Act Review recommended that in order to “support the long-term health of Canadian urban municipalities,” the federal government use “infrastructure funding leverage” to support “the relocation of rail infrastructure outside of dense urban centres” and support “safer alternatives.”²¹

The City of Toronto and local communities in Leslieville have been calling on Metrolinx and the Province of Ontario to put the Ontario Line underground. How does the federal government intend to use the federal funding leverage to support a safer alternative of the Ontario Line in Leslieville?

10. [Transport Canada] The terrible train disaster in Lac-Mégantic and the April 2, 2021 train crash in Taiwan serve as painful reminders of the potential for human and environmental risks of train derailment. Standards developed by the Federation of Canadian Municipalities and Railway Association of Canada prescribes a safety setback distance of 30m from the rail corridor. The 2015 Canadian Transportation Act Review advises an establishment of “buffer zone” in order to mitigate concerns over rail operations. What buffer zone does Transport Canada deem to be safe for existing residential homes around a rail corridor, and will it ensure that any federal funding is contingent on establishment of a proper safety distance from residential homes?

11. [Impact Assessment Agency of Canada and Minister of Environment] IAAC concluded that the Ontario Line project does not warrant designation pursuant to subsection 9(1) of the Impact Assessment Act. We seek clarification on IAAC’s analysis report and Minister’s decision not to designate the Ontario Line.²²

- (a) Ontario Regulation 341/20 is repeatedly mentioned as a relevant legislation to address environmental impact. 341/20 sets out the primary concern of the Minister in addressing mitigation of environmental concerns is to ensure no “unreasonable delay.”²³ Do the IAAC and Minister of Environment really view this as an effective basis and mechanism to address environmental and health concerns?
- (b) One of the key concerns raised by Save Jimmie Simpson and Lakeshore East Community Advisory Committee is the lack of an existing regulatory framework to deal with proximity issues, most prominently safety setback distance. A number of federal Transportation Act Reviews have identified this shortcoming in the Canadian regulatory framework. However, this point was not addressed at all by the Agency. Please provide explanation as to why the agency did not consider the lack of existing regulatory mechanisms to address proximity issues when making its designation recommendation to the Minister of Environment.
- (c) The Agency comments “cumulative effects due to diesel emissions from rail traffic” is not a problem as Ontario Line trains are electric. This shows the agency has fundamentally misunderstood the issue at hand. In fact, there will be a significant increase of diesel trains in the corridor for at least the next 20 years. As communicated in the original request for designation, the rail corridor in Leslieville is to be used to accommodate the Ontario Line and GO expansion (diesel trains). Metrolinx is not looking

²¹ 2015 Canada Transportation Act Review. [Pathways: Connecting Canada’s Transportation System to the World-Volume 1.](#)

²² <https://iaac-aeic.gc.ca/050/documents/p81350/138637E.pdf>

²³ This issue was known to Impact Assessment Agency, as MPP Peter Tabuns made this point in his comment on the federal registry: <https://iaac-aeic.gc.ca/050/evaluations/proj/81350/contributions/id/53668>





at the cumulative impact of Ontario Line and GO expansion²⁴ in terms of noise, vibration and air pollution. Diesel train service is estimated to increase by over 200%. Diesel exhaust is known to be carcinogenic, yet none of Metrolinx environmental assessment looks at human health impact. Clarification from the Agency is requested as to why the Agency failed to review this salient element of the designation request and whether Metrolinx's failure to look at the cumulative impacts of multiple projects in Leslieville may constitute a basis for project designation.

²⁴ GO Transit RER - Lakeshore East Corridor is another project receiving federal funding.

SAVE!
JIMMIE
SIMPSON!