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Delivered via email / online

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RE: Community Submission Opposing Bill 222 - Consequences of “Building Transit Faster”

This is a joint submission from Save Jimmie Simpson and Lakeshore East Community Advisory Committee. It is also endorsed by [Pape Area Concerned Citizens for Transit \(PACCT\)](#) and [Agincourt Village Community Association \(AVCA\)](#).

Save Jimmie Simpson is a grass roots, pro-public transit community group. We advocate for sustainable public transit that respects environmental standards and that safeguards the health and well-being of communities. We are dedicated to saving Jimmie Simpson Park and Recreation Centre and the surrounding neighbourhood and green spaces.

Lakeshore East Community Advisory Committee (LSE CAC) works to minimize the impact of Metrolinx’s projects on the quality of life for local residents and communities. It is made up of community members who live in proximity to the LSE rail corridor along with our elected officials.

We represent a community in Riverside and Leslieville in Toronto, directly impacted by Bill 171 - Building Transit Faster Act (2020). We are one of the first residential communities to feel the impact of expanded provincial powers around transit construction. Bill 222 expands the scope of Bill 171 to include the rest of the Province. We provide comments based on our lived experience of how the Province (via Metrolinx) has conducted itself as it relates to the planning of the Ontario Line.

The current Progressive Conservative government has run roughshod over local residents and businesses concerns. It has sidestepped environmental and safety standards, and its “cost savings measures” have resulted in a proposal that would see a portion of the Ontario Line above ground in Riverside/Leslieville (south of Gerrard to the Don River) with serious health and environmental impact on local communities.

Under the pretense of “building transit faster”, this Provincial government has removed the voice of the community most affected by the proposal from the decision-making process. In contrast, Toronto’s Relief Line was vetted by communities across Toronto and passed by City Council. The Province plans “early works” construction without the benefit of a completed environmental assessment which includes planned safety and other necessary mitigation strategies for our environment (such as noise, air and water quality).

It concerns us greatly that all this work is progressing without any meaningful consultation with our community. Frustrated with the complete lack of due diligence on public health impacts, we have resorted to going to the media and appealing directly to the federal government.

We trust our submission sheds light on dangers of granting sweeping powers without checks and balances. Our Riverside/Leslieville community will be devastated by this transit project for generations to come. **We demand policymakers vote against the implementation of Bill 222.** We hope no other community in Ontario suffers our fate at the hands of this government.

As a community, we summarize our experience below in three broad themes. These critical issues need to be addressed immediately. **We strongly urge policymakers not to fund the Ontario Line project or**





award any contracts until our concerns have been addressed. We believe the current proposal contravenes health and environmental regulations and standards including:

- Metrolinx's [Noise Protocol](#)
- Ontario Ministry of Environment's [noise](#) and [air quality](#) criteria
- Health Canada Guidelines ([Health Impact Assessment](#) and [Evaluating Human Health Impacts in Environmental Assessment](#))
- [Industry standards](#) endorsed by Federation of Canadian Municipalities (FCM) and Railway Association of Canada (RAC)
- [Environmental standards](#) and [noise guidelines](#) of World Health Organization

We will continue to work with appropriate authorities and government agencies to advocate for a sustainable transit construction that respects environmental standards and that safeguards the health and well-being of ALL constituencies in the GTA.

1. Callous Disregard for Public Health Risks

The Ontario Line proposes to place a 6-lane railway right through a residential neighbourhood. If it proceeds in its current form, it would expose our community to excessive levels of noise and vibration which international experts warn us is not safe.

- The [World Health Organization \(WHO\)](#) warns “railway traffic produce[s] intermittent low-frequency noise. Low-frequency noise may also produce vibrations and rattles as secondary effects. Health effects due to low-frequency components in noise are estimated to be more severe than for community noises in general.”
- [WHO](#) cites long-term noise exposure leads to health issues like “cardiovascular disease, cognitive impairment in children, sleep disturbance, tinnitus and annoyance.” In a [2018 report](#), WHO advises “potential health effects from environmental noise should be included as part of health impact assessments” when developing an urban transit project.
- [Toronto Public Health](#) conducted a study into health impacts of environmental noise in Toronto. Beyond its impact on “quality of life”, it confirmed adverse health effects like “cardiovascular effects, cognitive impacts, sleep disturbance and mental health effects.”
- Exposure to noise might influence risk of [Alzheimer's disease dementia](#). An increment of 10 A-weighted decibels (dBA) in noise corresponded to 29% higher odds of Alzheimer's disease. These results join “emerging evidence suggesting that noise may influence late-life cognition and risk of dementia.”

Despite overwhelming scientific evidence, this government has refused to conduct a health impact assessment as part of their environmental assessment. Bill 171 paved the way for the government to begin “early works” construction, shortcutting a full environmental assessment process where impacts and their alternatives are studied and assessed.

Health Canada in its [Canadian Handbook on Health Impact Assessment](#) 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 onto say “these issues can go unnoticed by developers and be easily ignored unless individuals or communities raise them.”

We have repeatedly raised these concerns, most recently in the [Oct 17, 2020 submission](#) endorsed by over 150 residents of Riverside/Leslieville. We are awaiting an official response from both Federal and Provincial Ministers of Health about our concerns.

Frustrated with the lack of response from Metrolinx and Ontario government, we have taken our concerns to the media. It was featured on [CBC news](#) and on the [CBC ICI Toronto](#) program which aired on October 31, 2020 (segment begins at 9:05). It is most unfortunate that citizens have been reduced to communicating with their own government through the media.

ONTARIO LINE VIOLATES SAFETY STANDARDS

RECOMMENDED SETBACK
Source: The Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC)

30m

ESTIMATED SETBACKS FOR TIVERTON AVE., PAISLEY AVE. & DEGRASSI ST.
Source: Metrolinx

Under 10m

**SAVE!
JIMMIE!
SIMPSON!**

2. Erosion of Environmental and Safety Standards

Not only does the Ontario Line endanger our health, it breaches numerous provincial regulations and widely accepted environmental guidelines.





- CMHC states in [Road and Rail Noise](#) that “caution should be exercised when building within 100m of a railway line. At these distances there is a possibility of high vibration levels within the building due to both ground vibration and airborne noise.”
- The FCM/RAC Proximity Guidelines points out “vibration in buildings in proximity to railway corridors can reach levels that may not be acceptable to building occupants.” It recommends vibration measurements to include a minimum of five train passbys and prescribes a maximum limit of 0.14mm/s RMS for living areas.

Metrolinx did not conduct *any* vibration study in our neighbourhood. How our daily lives will be impacted and whether our aged house foundations (many over 100 years old) can withstand the constant vibration and weight pressure of trains passing by every 45 seconds at less than the recommended setback distance is a crucial piece of information that must be thoroughly investigated. Under the current Ontario Line plan, our homes will be less than 10 meters from the trains.

We have asked Metrolinx and Ontario Government to expand the vibration study area to include Riverside/Leslieville and incorporate into the final Environmental Conditions Report. We have not heard from either agency.

- The Ontario Ministry of Environment and Climate Change has [recommendations for noise thresholds](#) (NPC-300) for sensitive land uses, such as residential uses. Current noise levels in Leslieville already exceed these limits.

Given Metrolinx’s disregard for our health and safety, we do not believe Metrolinx’s press release assertion that a noise wall can reduce noise levels to below these guideline values *after* the number of tracks are doubled and trains multiplied.

Type of Space	Time period	Ministry of Environment ¹ Guideline (Leq dBA)	WHO guideline ² (Leq dBA)	Current reading ³ (Leq, dBA)	Difference (dBA)
Bedrooms	11pm-7am	35	30	none taken	unknown
Living/Dining rooms	7am-11pm	40	35	none taken	unknown
Outdoor living area	7am-11pm	55	50-55	64 ⁴	9

* Health Canada explains a 10-dB increase “is perceived as being twice as loud.”

1 Source: [Ontario Ministry of the Environment Guideline](#)

2 Source: World Health Organization ([1999 guideline](#) / [2018 guideline](#)) These guidelines are also endorsed by [Health Canada](#) which recommends indoor noise levels below 40 dBA and outdoor noise level of 55 dBA.

3 Source: [Metrolinx Environmental Conditions Report](#) (table 2-2 / MO_02S “Wardell St”).





4 No outdoor living area noise readings were conducted by Metrolinx. We are using the outdoor reading at MO_02S as a proxy. We believe outdoor living area noise readings in Leslieville exceed the noise level measured at MO_02S.

- [Ambient Air Quality Criteria](#) (AAQCs) was developed by the Ontario ministry of the Environment and Climate Change.

Metrolinx conducted their air quality study as part of their Environmental Conditions Report in the middle of a pandemic lockdown when there was virtually no traffic. Still they found some greenhouse gases (known human carcinogens) that exceeded Canadian standards by several hundred per cent.

We have asked for the air quality test to be redone to get a more representative measurement. We are seeking clarification as to how much above-ground railway contributes to air quality in our community.

We have relayed our concerns to Ontario Ministry of Environment and asked that a thorough impact assessment be conducted. We are waiting to hear back from the Ministry of Environment.

3. Lack of transparency

- Decisions are made behind closed doors between the government and private developers. There has been neither public consultation on the Ontario Line project nor community representation in the decision-making process.
 - o This stands in a stark contrast to the Downtown Relief Line project where 75% of the advisory council was made up of local residents and businesses.
 - o Compared to only one Ontario Line alignment being presented, the City of Toronto's Relief Line project had 5 different alignment options and actively sought input from local communities.
 - o Metrolinx only studied a very narrow area, and the information gathered does not accurately reflect the conditions in the community. For example, the number of children in our community is not accurately assessed because the study area excluded two schools in our community a few blocks from the rail corridor.

Metrolinx makes mockery of public consultation, as they have already selected the alignment, route and station locations before launching the community consultation website. It has no intention of altering any of these plans to reflect community feedback. By deferring the release of environmental impact assessment till after the commencement of early works construction, the public has no opportunity to challenge their design or meaningfully affect the outcome of the project.

- Another example of the current government making unilateral decisions without consulting the community are Ministerial Zoning Orders for West Don Lands.
 - o Councillors Cressy and Wong-Tam and Mayor Tory spoke eloquently about the need to listen to the local community for the changes in their neighbourhood. We welcome the







emergency motion passed by the City and hope to work with Mayor and Councillors to advocate for an underground alignment through Leslieville.

- We note, the use of MZO is a play straight out of the June 5, 2020 [submission](#) from private developers (Ontario Home Builders' Association and the Building Industry and Land Development Association) in which they recommended "the provincial government should consider speeding up the planning process through Ministerial Zoning Orders ... in order to maximize the investment opportunity."
- Despite the motion passed by the City of Toronto in 2019 (motion Ex9.1 Amendments 19 and 20) as well as repeated calls from the community to investigate underground routes through Riverside/Leslieville, Metrolinx has not considered any alternative alignments.
 - Who makes the decision to disregard the City directive?
 - Did Metrolinx discuss the merits of the [community petition](#) with over 5,000 signatures?

Eglinton LRT

Eglinton Avenue West Extension

Road Width	Construction
4-6 Lanes	Underground





Eglinton LRT was recently approved to increase its original budget by \$1.8 billion dollars to move an above-ground portion (9.2 km) underground, despite evidence that an above-ground route would be cheaper and serve more people.

Ontario Line

Leslieville Station

Road Width	Construction
1 Lane	Above Ground



Although City of Toronto's former Relief Line confirmed feasibility to put the Ontario Line underground from Pape to Queen Street, Metrolinx continues to pursue at-grade tracks directly adjacent to existing homes, business and parks. The segment through a residential neighbourhood between Gerrard and Eastern is less than 2 km.





- There has been no effort to collect valid community input. Metrolinx maintains an [engage](#) website where the public can ask questions and send feedback. As of the end of October 2020, there are 143 public questions, and Metrolinx responded to only 89. This is a response rate of 62%. Metrolinx's responses are often perfunctory in nature like "all feedback from the public is considered."

Comments related to health and health impact of the project – which prove very important to the community based on the number of likes – go unanswered.

- Some neighbours have received a notice that their homes may be expropriated for the project. While no expropriation in Leslieville has taken place to date (to our knowledge), we fear whether the proposed expropriation will be conducted in a fair and reasonable manner without the right to a hearing afforded through *Expropriation Act*.

The fact that there will be no recourse available makes us very anxious. We are unsure whether reasonable legal costs will be reimbursed by an expropriating authority, as was the case under the *Expropriations Act*.

Conclusion

There is a mantra in any transit planning: measure twice, cut once. The current Ontario government is trying to cut without having measured once. We have repeatedly asked why an underground option is not being considered and an impact assessment of how this project is going to affect our health and our community. We have been stonewalled on both fronts.

The pattern of disrespect and the complete lack of concern for local communities make us wonder whether this government represents the people or private developers. We fear decisions for the Ontario Line project are being rushed ahead of the provincial election in 2022. We maintain that public health implications are grave and need to be examined in full before any projects are funded or contracts awarded.

We deplore the side stepping of the municipal process, disregard for health and environmental standards, and shuttering of community input. Our community's experience should serve a chilling example of what this government is capable of when granted these enhanced powers. We demand policymakers not to pass Bill 222.

