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SP-25

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(Hansard)**

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**Standing Committee on
Social Policy**

Building Transit Faster Act, 2020

1st Session
42nd Parliament

Wednesday 10 June 2020

**Comité permanent de
la politique sociale**

Loi de 2020
sur la construction plus rapide
de transport en commun

1^{re} session
42^e législature

Mercredi 10 juin 2020

Chair: Natalia Kusendova
Clerk: Tonia Grannum

Présidente : Natalia Kusendova
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Wednesday 10 June 2020

Mercredi 10 juin 2020

The committee met at 0900 in committee room 1 and by video conference.

**BUILDING TRANSIT FASTER ACT, 2020
LOI DE 2020
SUR LA CONSTRUCTION PLUS RAPIDE
DE TRANSPORT EN COMMUN**

Consideration of the following bill:

Bill 171, An Act to enact the Building Transit Faster Act, 2020 and make related amendments to other Acts /
Projet de loi 171, Loi édictant la Loi de 2020 sur la construction plus rapide de transport en commun et apportant des modifications connexes à d'autres lois.

The Chair (Ms. Natalia Kusendova): Good morning, everyone. I call this meeting to order.

We are meeting to conduct public hearings on Bill 171, An Act to enact the Building Transit Faster Act, 2020 and make related amendments to other Acts.

We have the following members present in the room: myself as well as MPP Babikian. We have the following members participating remotely: MPP Tabuns, MPP Hogarth, MPP Karahalios, MPP Martin, MPP Thanigasalam, as well as MPP Blais.

We are also joined by staff from legislative research, Hansard, and broadcast and recording.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before you begin speaking. Since it could take a little time for your audio and video to come up after I recognize you, please take a brief pause before you begin. As always, all comments by members and witnesses should go through the Chair.

Before we begin, are there any questions?

MS. JOANNA BLISS

The Chair (Ms. Natalia Kusendova): Seeing no questions, I now invite our first presenter of the day, Joanna Bliss, to make her presentation. Good morning, and welcome. You have 10 minutes for your presentation, and you may begin by stating your name for the record.

Ms. Joanna Bliss: Good morning. Thank you. My name is Joanna Bliss. I'm a resident of De Grassi Street here in South Riverdale. I want to thank you for giving me the opportunity to speak today.

I wanted to take a moment just to thank the committee members as well as all the other members of our governments—federal, provincial and municipal—for the incredible efforts that you've put in over the last few months in dealing with the unprecedented public health and economic crisis caused by COVID-19. In fact, the current state that we find ourselves in as a city, province and a country also [*inaudible*] on the Ontario Line project and the concerns on the proposed legislation.

Let me start by saying that I strongly support public transit and investments in infrastructure. I'm a lawyer by background; I've been practising corporate law for over 15 years, choosing clients in a wide variety of industries. My day-to-day job is helping them understand the risk-reward calculus for any project and making sure that they have all the information they need to make their decision.

I'll give you one example from my world. Clients looking to purchase a business do due diligence before buying. Often facts are uncovered which make buying that particular business or asset challenging or undesirable, but you need to know all the facts, most especially the bad ones that will cost you a lot of money, before you decide to go ahead. Maybe the cost to fix the issue makes the project not worth it; maybe, based on what we've learned, it's better to go with a different option.

What's being proposed here with Bill 171 flips that on its head. In my world, it would be like meeting a seller, liking the look of some business or asset, and jumping ahead to buying it. When you get in there and start running it, you find a bunch of problems and reasons why it's not a good investment. Sure, you might be able to spend a bunch more money on the problem, or you could abandon the project, but what are your board and shareholders going to think, and how realistic of an option is it at that time?

In almost every project I've ever worked on, no one wants to spend the time and money to do the comprehensive review that we need to do before going ahead with something. I hear how this will delay projects unnecessarily on a weekly if not daily basis, but none of my clients ever complain when we find problems ahead of time and use the information to inform our path forward, saving them time and money in the long run, as well as the embarrassment of a public screw-up.

I recognize the pressure that you're under in representing your constituents in the province to deliver on a stated priority, but proceeding down the current path with

the Ontario Line may well end in disaster, both financial as well as environmental and safety.

We are in a different world post-pandemic—although I don't think we're post-pandemic yet—but, as noted by Councillor Fletcher in an earlier session this week, making a major decision like this without looking at options doesn't make sense, so I urge the committee to be open to change when presented with new information.

A couple of factors I wanted to highlight: As everyone has no doubt seen over the last few months, remote work is here to stay. Since the beginning of the pandemic, Shopify, Facebook and many others, including one of Canada's largest banks, the Bank of Montreal, all announced plans to adopt flexible work arrangements, with BMO announcing that it expects 80% of its staff—36,000 people—to adopt work-from-home or hybrid work-from-home arrangements. In addition, Google recently announced it was no longer pursuing its Quayside project.

For those who do return to the downtown core, will they still use public transit or will they be driving? We simply don't know yet. We don't know what the needs of transit users will be in a post-COVID world or what Toronto's downtown core and office needs will be. But isn't finding out before spending \$11 billion of your constituents' money on the Ontario Line, and likely much, much more—even the Toronto city manager's report last year suggested that costs could be double if done in line with industry standards.

Moving on to the specific legislation: My strong support of public transit doesn't take away from my belief in the need for appropriate checks and safeguards for a project of this magnitude and impact, ones which are intended to last for generations and require infringement on certain rights of its citizens in order to accomplish. Unfortunately, as you've heard over the last few days, there is a history with Metrolinx on this project, as well as the existing RER, which has caused the community great concern: the lack of meaningful consultation and accountability. A focus initially on concerns with two specific areas of the proposed bill: changes to the Environmental Assessment Act, allowing completion of early work prior to the full environmental impact assessment report being completed; and changes to property owners' rights, eliminating hearings of necessity and giving the ministry and Metrolinx the ability to enter land without permits or the consent of the owner.

For changes to the existing environmental assessment process, I'd just like to note that the environmental process followed for transit projects is already a streamlined process. So while the stated purpose of the regulations that we're talking about is to get transit constructed quickly, economically and transparently while maintaining environmental oversight—there's no one in the room or probably anyone who's appeared before you who would disagree with this—as always, the devil is in the details.

For the Ontario Line, as you've heard, large portions of the proposed project run through residential areas. The health and safety of residents has to be a key priority.

You may have also heard some of the history of part of the two-kilometre corridor that's intended to go above ground on this project. There actually was a train station at De Grassi and Queen up until 1974. It was originally built in 1896 as the Queen East Station. But 1904 saw an accident there that killed three people and injured 17.

Railway safety issues are not completely in the past. We don't have to look that far back to see at least three train derailments in Canada over the last few months, including one in Ontario on February 18, which forced the evacuation of six homes. According to the Transportation Safety Board, in 2018, the last full year for which statistics are available, there were 1,172 rail accidents and 57 fatalities.

My understanding is that the reason the location was not selected for the downtown relief line project was due at least in part to findings from the environmental assessment conducted in connection with that project. In addition, the TTC has expressed concerns with the safety of the project and having the subway trains in such close proximity to heavy rail. None of this was factored into the initial plans or business case for the Ontario Line.

Metrolinx is flying blind, and continuing down this road leads to a couple of likely results: egg on your face when reports prepared mid-project come back and costs to mitigate the issues raised are as significant as one would expect; or the project pushes ahead anyway and there's a serious public safety issue down the road. This is not somewhere the government or Metrolinx wants to be taking shortcuts. The results could be catastrophic.

Moving on to changes to property owners' rights: I've heard from neighbours who have lived in the community for decades and are scared about having to leave their homes, both in terms of trying to find another home they can afford in the neighbourhood that they love as well as the other significant costs they would incur, such as land transfer tax. While it may not directly impact a huge number of people relative to the size of the project—and for the record, I don't believe it would impact me at all—the effect on those it does can't be overstated. Expropriation is an extraordinary measure and needs to be used sparingly and with appropriate safeguards in place. We're talking about the government restricting a citizen's property rights. Everyone agrees it can be done, but we shouldn't be able to evade our responsibilities or minimize a citizen's right to procedural fairness and the opportunity to be heard. We should do so in the least intrusive manner and only to the extent strictly necessary, which I don't believe is the case here, at least not in the currently proposed format, with complete elimination.

If the delays are truly a concern here, parameters around the hearings and related timelines should be sufficient to address this. We're talking about a project that, best case, and which many have said is not a realistic one, will take at least seven or eight years to complete.

I want to spend my last couple of minutes talking about specific amendments to the bill. First, I'd like to see a requirement for a community benefits agreement for each project. This was previously supported by the government

and Metrolinx in connection with the Eglinton Crosstown project per Metrolinx's own statement. They indicated that they were pleased to support the concept of building community benefit agreements into major infrastructural projects.

0910

Second, a requirement that Metrolinx abide by the recommendations of Toronto city council to mitigate potential local impacts of the four new transit lines, with a particular focus on the above ground sections of the Ontario Line and to ensure city staff were involved in reviewing and informing plans for safety, including:

- city safety standards;
- noise and vibration;
- proximity of the tracks to buildings and houses;
- construction impacts and constructability;
- the impacts to local services and amenities, including parks and community centres;
- station location and integration of local communities;
- accessibility and building impacts; and, most importantly,
- require Metrolinx to mitigate the impacts described above and to consider options for constructing further portions of the Ontario Line underground.

Finally, I'd like to have a requirement that Metrolinx engage in meaningful consultation with the communities. As we've heard, what has taken place so far in no way meets that standard. It should be facilitated by an independent third party to develop standards for the construction impacts, information delivery, and consequences for failure to adhere to these. Metrolinx has shown that they won't police themselves. There needs to be a mechanism to achieve these basic safeguards.

The government has been tasked with a monumental challenge. While you can't make everyone happy, I ask that you keep an open mind to change and look at this through the lens of harm reduction for the community and to ensure safety and accountability. Thank you.

The Chair (Ms. Natalia Kusendova): Thank you very much.

I see that two more MPPs have joined us this morning, so I will invite them to introduce themselves and state which city they are calling in from this morning.

MPP Harden, good morning.

Mr. Joel Harden: Good morning, Chair. I'm calling in from Ottawa. Thank you.

The Chair (Ms. Natalia Kusendova): Thank you. MPP Sabawy?

Mr. Sheref Sabawy: Good morning, Chair. This is Sheref from Mississauga—Erin Mills.

The Chair (Ms. Natalia Kusendova): Thank you very much.

Thank you for your presentation. We will now begin with seven minutes of questions by the government. Go ahead, MPP Hogarth.

Ms. Christine Hogarth: Hello, Ms. Bliss. Thank you very much for your very thought-out presentation. It was very well written and very well presented. I thank you, for

your community members as well, for getting involved. We've had a lot of deputants from that area. I think I called it Danforth yesterday, but it's Riverdale. I had to go look at a map [*inaudible*] with the area. It's a beautiful area.

You mentioned something about what we've learned from the past, that we should go with a different opinion. That's something that this bill is about. It's about what we've learned in the past. So this bill really focuses on the four lines. Some of the lessons we learned from the Eglinton Crosstown—we feel and officials feel that we can streamline the process. That's really what this bill is about. It's not about taking away anyone's consultation process. We certainly want that.

Just to talk a little bit about what this bill is about: It's about learning from past mistakes and then going in a different direction. When they're looking at relocating utilities, doing that in kind of one step; coordinating construction projects and coordinating permits—the focus of this bill is to stop delays so we can get transit built quicker, faster and on budget, and if possible, putting less impact on your community. Anyone who lives in the Eglinton East area could probably talk for hours and days about what they've gone through since 2011. So we want to mitigate some of those issues.

You brought up the word "mitigate," and so did your councillor, Councillor Fletcher, and I know this is something very important to all in your community. We have agreed; we will be working with your community members to make sure that we mitigate things like noise and vibrations, local impacts. We want you involved. We want the entire community involved. Hopefully, Metrolinx has learned from past mistakes at how involved we need you to be. It's a collaborative approach.

I understand there were two locations where we did have a community representative from Metrolinx on site. I understand it's closed now, but they had something open at 770 Queen Street East and at 45 Overlea Boulevard. Those will be staffed, I understand, once COVID is over and it's safe to go back to work, for questions for your neighbourhood and for you. And I really ask that you speak to these representatives.

I have a question for you in all of that. It's about working together. How do you believe that the province can work with residents and the business community to ensure that this transit construction causes minimal disruptions to your community?

Ms. Joanna Bliss: I think you hit the nail on the head. All of the things you're saying, no one would disagree with. If we're going to go down the road of a project, everyone wants it to be done safely, but also on time and on budget.

But I think the proposed legislation goes beyond that and maybe opens the door to some unintended consequences, because it's not just being able to remove a tree from someone's lawn without a huge process around that. I think you've heard about some of the things that it could potentially be used for and, in particular, my concern is on the environmental and safety side.

You pointed to the existing process and some confidence in Metrolinx being there and working with community members. I've been to the open houses that they have posted; I go to presentations all the time. This was as much of a block as I've ever seen. People there were not decision-makers; they weren't informed about the issues. They were basically PR people who were able to come and give pat answers like, "I'm sorry you feel that way." There wasn't really any information to be shared, and I don't think it shows a true willingness on Metrolinx's part.

I understand the reasons for that. As everyone else has said, I don't think Metrolinx is a terrible organization. I think they've been tasked to do a job and they're trying to accomplish it, but I think our job and the committee's job and the government's job is to hold them in check and make sure that as they try to accomplish their job, all the other considerations aren't left by the wayside. I think you should really take a look at whether there is meaningful consultation that's intended to take place or whether it's just intended to placate people, because that's certainly the sense that—there were probably 700 or 800 residents at one of the open houses that I attended and everyone there got different answers on things because people actually didn't know what was going on. This was only a couple of months ago.

It's a bad history of that. I think there's a history of consultation through the CAC, the community advisory committee, with the RER, which has been very frustrating to the community. That predates my move to the community, but I have spoken to those members and my understanding is that it's been very challenging and without real results or impacts.

Ms. Christine Hogarth: We certainly appreciate that feedback and our parliamentary assistant for the Ministry of Transportation, MPP Thanigasalam, is also on the Zoom call and will be taking this information back to the minister, as will we all when we hear comments like that, because we do want to have—nobody wants to just show up at a meeting and not get any answers.

The problem right now is we're still in the very early stages of this process, so they may not actually have all the answers. Hopefully, as we move forward, we will have more answers for your community members. But as a community, and as we talk about some of the obstacles of building transit faster, what are some of those obstacles that we should be considering or addressing?

Ms. Joanna Bliss: This is a very complicated project. I don't envy people's jobs on this. I think—

The Chair (Ms. Natalia Kusendova): Thirty seconds remaining.

Ms. Joanna Bliss: Each community is going to have its own concerns along the route of each proposed project. I focus my concerns along the particular stretch that I live on, but I understand those are concerns shared by other groups who may or may not have had the chance to learn about actually what's happening because, as you said, it is quite early stages.

I think because of the history with this community and the downtown relief line project and the RER, there was already an awareness in the community of these types of projects and a motivation to get involved early and try to—

The Chair (Ms. Natalia Kusendova): Thank you very much. We are out of time. Thank you.

We will now move on to the official opposition for two minutes—I'm sorry, seven minutes. I haven't had my coffee yet. Go ahead, MPP Tabuns.

Mr. Peter Tabuns: Be nice to me, Chair. Be nice to me.

The Chair (Ms. Natalia Kusendova): Go ahead.

Mr. Peter Tabuns: And give that woman a coffee. She needs it.

Ms. Bliss, thank you very much for joining us this morning. Like the others, I really appreciated your presentation; very thorough, very professional.

Before I ask you a question, I just want to note that MPP Hogarth commented about a potential Metrolinx office located on Queen Street that would provide access to the community to Metrolinx. That office never did open. We actually checked yesterday with Queen Street residents and with Metrolinx. It never did open. Hopefully it will open, but it was one thing we were promised would be open in January, and it never came to fruition.

0920

Going back to questions, I have a number, but the first—you made an interesting comment about the issue of potential delay from hearings of necessity with regard to expropriation. You said that the whole question of delay could be addressed by setting parameters—I'm paraphrasing—on the time frame within which those hearings could take place. Could you expand on that briefly? Because I think this is going to be a substantial issue when we get into debating this on a clause-by-clause basis.

Ms. Joanna Bliss: Yes, and I'll preface any comments by saying that I'm not an expropriations expert; I don't practise real estate law. But I think in any process that you're engaged in with people, you have to balance interests.

I think this would be a compromise that could be looked at. If you're worried about the hearings of necessity delaying things unnecessarily, you don't have to throw the baby out with the bathwater. You can say, "Okay, well, what's the current timeline that's allowed for hearings of necessity? How could we streamline that? Are there ways that we could accelerate portions of it?" In my world, it would be like if you have 30 days to give a notice, maybe now that date is 20 days. For each part of the process you could see: Is there reasonable opportunity to shorten that time period? Are there other changes you could make to still provide people with the right to be heard but not let it delay things?

I do think, though, that the reality is, you're talking about a small number of potential expropriations, likely, in the footprint of these projects, so giving these people an opportunity to be heard shouldn't be that cumbersome in the context of a project that will take this long.

Mr. Peter Tabuns: Thank you very much. I want to go on to the question of meaningful consultations. It's a serious question, because your opinion was that the consultations that were granted were not meaningful.

I actually went through the consultations on the relief line, and present in the room were senior staff from the TTC, a number of political decision-makers, as well as the engineers and technical people who would be delivering on that. I don't know if you attended those, but frankly, everyone in the room who was in a position of authority got grilled and cross-examined by the public. It got pretty heated, but in the end, no one left those rooms saying, "I didn't get a chance to actually hear from the people who are going to make decisions." That's my concept of a meaningful consultation.

How would you characterize a consultation that would give the community a sense that they actually were getting the straight goods and they were actually heard in the course of it? What would the structural elements be?

Ms. Joanna Bliss: As I noted in my presentation, I would support a community benefits agreement for this project and having that be part of the amendments to this particular bill. In terms of the specifics for the community, I think—I actually didn't live in the neighbourhood during the downtown relief line, but I would take a second to plug that I've heard a stated desire by government to have a shovel-ready infrastructure project that can be ready to go post-pandemic to get things moving. You've got one right there. I'll just toss that in for good measure.

But meaningful consultation is exactly what you said. You need decision-makers and the people who ultimately are going to have to live with this to be in the room and at the table—not for every meeting, but they need to hear from the community and from stakeholders what the challenges are.

The problem when you pass that off to someone who either is in the PR stream or the community engagement stream but isn't a decision-maker is that they're a filter for information, and so what they deem important or key is what filters up the chain. The powers that be who actually have to make decisions on the project aren't getting the full picture; they're getting that filtered through someone else's lens. And it's someone else who works in the organization and has been tasked to achieve a particular result.

Mr. Peter Tabuns: You made an interesting point about the environmental assessment. When the Liberals brought in the shortened EA for transit projects, the TPAP, there was a lot of debate at the time because, in fact, it was a streamlined and constrained environmental assessment. So it's a bit of a shock to see an even further constraint on what was a constrained process.

Can you talk a bit about that existing streamlined project and why it doesn't make sense to cut it back even further?

The Chair (Ms. Natalia Kusendova): One minute remaining.

Ms. Joanna Bliss: Unfortunately, I'm not an expert on TPAPs, but my understanding is, in order to achieve

similar goals that have been stated today of getting things done quicker, this streamlined process was agreed to. It was vetted and has safeguards in there still, but it is a streamlined process. To me, it verges on a little bit dangerous to think about further eroding that unnecessarily and putting Metrolinx in a position where they may be quite far into a project and discover things that can't be mitigated or would be very expensive to mitigate. What's the chance that they're going to then be able to make an easy, inexpensive pivot? You're basically putting all your eggs in that basket and just going ahead down the path.

The Chair (Ms. Natalia Kusendova): Thank you very much.

We will now move on to six minutes of questions by Mr. Blais, the independent Liberal member.

Mr. Stephen Blais: Thank you very much, Ms. Bliss, for your presentation this morning. I know how frustrating it is to be at consultations where you are simply being placated and not being listened to or engaged properly. I do appreciate the answer that you gave MPP Tabuns about some of those improvements.

If we think about beyond the consultation aspect, though—and we've heard clearly over the last number of days that the trust between the community and Metrolinx seems to have been broken. What measures could Metrolinx take to mend that relationship, mend that trust, beyond consultation? I know you agree that consultation is important.

Ms. Joanna Bliss: One of the items that I tried to highlight at the end of my presentation, I think, is a pretty good road map for that: to have them be required to abide by the recommendations from Toronto city council. Delivery of this project was transferred from the city to the province. It was on the basis of Metrolinx agreeing or being recommended to adhere to a number of mitigation factors, for safety and other reasons. I think requiring them to take a look at that is the very least that should be done to meet that standard.

I think it's not too late. Months have passed. They've clearly done no work on it, because they have publicly stated that those options weren't examined. But I think it's not too late. We are still, as everyone has said, in the early stages of the project and there is still the opportunity to do this thing right and in a way that will benefit everybody.

Mr. Stephen Blais: Sure. Thank you very much. I appreciate your time this morning.

The Chair (Ms. Natalia Kusendova): Thank you very much.

MS. ROSEMARY WATERSTON

The Chair (Ms. Natalia Kusendova): We do have our next presenter on the line: Rosemary Waterston. Good morning. Thank you for joining us.

I just wanted to let all the members know that her written submission was received this morning and has been sent to all of you, if you wish to follow along.

Good morning. You have 10 minutes for your presentation, and you may begin by stating your name for the record.

Rosemary Waterston: Okay. My name is Rosemary Waterston, and I live on Logan Avenue in Toronto. Thank you for this opportunity to contribute to the goal that I know we all share, which is building the best transit system for Toronto.

I have three areas of concern about Bill 171 that pertain to the Ontario Line. These concerns may also apply to the three other transit projects, but they're particularly relevant to the portion of the Ontario Line between Gerrard Street and the Don River.

The first is expropriation. Bill 171 eliminates hearings of necessity for expropriations of property relevant to this project. This means that owners of expropriated property won't be allowed a hearing to receive information and to raise objections. Given the unresolved problems with the current Ontario Line plan along the rail corridor, I think it would be a grave mistake and an overstep to allow expropriations without the recourse and oversight that's provided by hearings of necessity. I think this is even more important because of the decision that's been made to not conduct a full TPAP environmental assessment for the Ontario Line.

0930

My second point is about obstruction removal. Under Bill 171, the minister has the power to alter or remove a structure or vegetation within 30 metres of transit corridor land. While, thankfully, the bill doesn't permit the removal of a building without notice, I've noticed it does permit the removal of part of a building if an agreement has not been reached by 30 days after the obstruction removal notice has been served.

Given its location, right beside the rail corridor, I fear for the future of the Jimmie Simpson community centre. I'm just going to share my screen in case you don't have it up. This is a map that shows the area that we're talking about. The area I'm particularly concerned about is highlighted here in red. That's the Jimmie Simpson community centre that, as you can see, abuts right beside the rail corridor, that almost touches the rail corridor. Under this provision, the real part of this crucial community resource could be removed without recourse.

I'm just going to slide down here. Now you can see this photograph. That's the Jimmie Simpson centre. This is the rail corridor. This is the bridge. This is the back of the centre. I just don't see how they're going to be able to avoid impacting this centre when they widen this corridor to add three more lines. Just a quick nice shot of Jimmie Simpson Park to let you have that; this is what we would be losing. The area on the left is where the rail corridor would be expanded, trees removed etc. I'm going to stop sharing there and go back here.

Now we'll move on to my third point, which is the area of administration, the delegation to Metrolinx. Under Bill 171, the minister may delegate their functions in whole or part to Metrolinx, which in turn may delegate their functions to other entities. The goal is streamlining the

process while enhancing coordination and engagement. Those are great goals; I agree with them. But given our community interactions to date with Metrolinx, I have no faith that Metrolinx will accomplish it. That's why I'm asking that you amend Bill 171 so that no project contracts allow the effective delegation of ministerial power to a private contractor.

Even in the preliminary work to date, Metrolinx has been terrible about keeping our neighbourhood informed, much less engaged. They're putting out RFPs, but we still don't know the final route; how they're going to add three more tracks to this elevated rail corridor; how they're going to mitigate the noise of trains passing through a residential neighbourhood every 90 seconds; where the Leslieville station will be located; and how the parkland that they're going to destroy will be replaced.

I have attended numerous open houses. I've sent feedback. I've joined our local CAC. I have tried to engage with Metrolinx. I want to ensure this project is built right, and I'm not alone. In the fall of 2019, as you know, Toronto's executive committee voted to request that Metrolinx consider options for constructing further portions of the Ontario Line underground. At open houses, more than 1,000 people turned out. They gave feedback. Hundreds expressed concern with using the elevated rail track between the Don River and Gerrard Street, and how it would impact the parks. They asked Metrolinx to reconsider running this portion underground.

At the open houses, their Metrolinx material said that they were exploring this—conceptual designs to determine optimal configuration of below grade, at grade and above grade. But Metrolinx has recently finally admitted they're not exploring below-grade configuration. This option has never really been considered by them, even though they told citizens at the open houses that it was being considered and Toronto city council asked them to do it. This makes a mockery of community consultations.

Metrolinx says that using the existing rail corridor will save money and speed up construction. The idea that it will cost less than the original downtown relief line hasn't been proven, because they haven't done a cost comparison. The claim that it will be done faster is laughable. The downtown relief line was shovel-ready when it was put to the side. Construction would already be under way right now if they had gone with this fully funded plan that had gone through a complete environmental assessment.

Moving to the noise and vibration material about the Ontario Line: They state that they're going to do a combined impact assessment for the place where the GO rail and the transit go together in parallel, but what is our recourse if they don't provide the information that they say they're going to give at upcoming public meetings?

In the natural environment area, they make vague statements which, I have to say, are very much in contrast to their own Metrolinx website materials about the Eglinton LRT. There, they say that all removals will be approved by the city of Toronto and the TRCA and that "upon completion of the Crosstown LRT, new trees will

be planted in place of the removed ones.” Well, I’d like to see those same promises made about the Ontario Line.

If you look again at this map, you’re going to see how much of the essential parkland—that triangle is Jimmie Simpson Park. That is the only park in our neighbourhood and most of it would be destroyed. In a dense neighbourhood like this, it’s just not acceptable to do that, and it could be avoided by running this section underground.

Going back to Metrolinx: They have a terrible record in terms of community consultations. Their website says, “Submit your question below,” and they will respond in 48 hours. In that section, which I reference in my deputation—you can click on the link—the last response to a question was posted on March 9. That’s three months ago. How can the government delegate responsibility for responding to the public to an organization that blatantly disrespects the citizens who make the effort to ask questions?

Before you pass this bill, please take the time to read the comments and questions that have been posed to Metrolinx; please think again about whether this corporation deserves to be the face of our government.

In another section of their website, they say, “You can always share thoughts, questions or comments” by email, but the messages that I and others have received to our emails just result in boilerplate “your opinion matters” kinds of responses.

The Chair (Ms. Natalia Kusendova): One minute remaining.

Ms. Rosemary Waterston: Okay.

It just seems really unacceptable. We’re barely under way. In the neighbourhood, we’re already having problems with drilling crews operating without notice. How are we going to deal with that? I don’t want to have to deal with a private company employee; I want to call an elected official to report problems. I don’t think you should download responsibility for this important transit project to Metrolinx, and I’m appalled to think that Metrolinx would have the ability to delegate their responsibilities to third parties.

I hope you’ll take a closer look and not spend more money and waste more time before you re-evaluate a plan that I think will have to change. I have a few amendments at the end of my document, but I’m out of time, so that will be part of the written deputation.

The Chair (Ms. Natalia Kusendova): Thank you very much. We will start with questions by the official opposition for seven minutes. MPP Tabuns, go ahead.

Mr. Peter Tabuns: Ms. Waterston, thank you very much for presenting this morning and putting together the information that you made available to the committee.

A few questions: The expropriation process that is going to have hearings of necessity eliminated—you may be aware that in the bill, the minister will subsequently have discretion to grant a hearing if he or she sees that this is something that’s worth doing. Does that give you confidence that, in fact, citizens’ rights will be protected?

Ms. Rosemary Waterston: Well, no. I read that line and I thought, “Well, that’s good that they may,” but the flipside is, “They may not.” So no, I don’t.

0940

In terms of expropriation, I guess the other point about that is, what about the land that’s right beside what gets expropriated? If they expropriate a number of homes, because there are many that will come down due to this plan, and they build one of these huge walls—well, some people will lose their houses, and other people gain a wall. There’s something about the whole process of expropriation that is very problematic.

Mr. Peter Tabuns: Okay. The rights over private property: I found this section disturbing as well. Is this something that you’ve discussed with other members of the community? Are people concerned that, in fact, their yards could be taken, or trees and even parts of their structures taken away, without apparently a process that allows an independent challenge in such a decision?

Ms. Rosemary Waterston: When I talk to people, they are concerned. But I will say that most people have no idea what’s going on. Most people are busy. They’ve got lives to live. They are trusting the government to do these projects correctly and with their best interests in mind. So, sure, once I knock on doors and show people what could happen, of course they’re appalled. But I think that a lot of this, between coronavirus or anything else going on, is going under the radar and it can just be slammed through. It will be after the fact, when our chance for recourse is gone, that people really realize how devastating this will be.

Mr. Peter Tabuns: Okay. The very interesting clause about delegation of powers from the minister to Metrolinx, and from Metrolinx down to contractors: Can you talk a bit further about your confidence in, or lack of confidence in, Metrolinx to exercise ministerial powers?

Ms. Rosemary Waterston: Judging from what we’ve had to date, I think we know that we really can’t trust them. There have been a number of drilling things going on in our neighbourhood without proper notice. Our councillor is trying to help us cope with that, but without the city being in charge, it’s very difficult.

The information that we’ve received so far from these third parties—I think one of the things that everybody has to remember about this, of course, is that all of the work on this section will happen in the middle of the night, because the GO trains and the Via trains will continue to run. All of the construction is going to be in the middle of the night, and so it’s going to be very disruptive. How receptive and responsive those third-party companies will be to the concerns of citizens, we just have no way of knowing. We want, as a community, to be able to contact elected officials who are responsible to us, the voters and the taxpayers—not to a third-party contractor. It’s that simple.

Mr. Peter Tabuns: Thank you. A number of people who have spoken before this committee have noted that consultations that have taken place couldn’t be characterized as “meaningful.” I don’t know if that’s your opinion—

Ms. Rosemary Waterston: That is totally my opinion.

Mr. Peter Tabuns: Okay. What in your mind would be the characteristics of a consultation that would be meaningful?

Ms. Rosemary Waterston: I would point back to the consultations that we had with the city when they were planning the downtown relief line. I think that that process was very meaningful. It was not just a rubber stamp. It wasn't just checking a box. The city presented ideas. We listened, we thought about them and we got back to them with suggestions, and those suggestions were incorporated, in many cases, into the plan to make a better plan. That was a real consultation.

These open houses, where you just have posters up and you can go around and read basically the same material being presented over and over again—very little difference between the winter open house and the ones last summer in terms of how much information we got.

Yes, I think that the process that we went through with the downtown relief line was a very good consultation. I have not seen any of that respect for listening and actually paying attention to the input from the community, which knows the community. It's a big project; it's a big city. All of you, I know, are all over the place. You don't know the nitty-gritty details the way that people who live here do.

So I think respectfully listening, having real presentations, having real follow-up to the questions that are asked—that's what we're looking for.

Mr. Peter Tabuns: Thank you.

The Chair (Ms. Natalia Kusendova): One minute remaining.

Mr. Peter Tabuns: I don't have further questions. Again, I just want to thank you for a very thorough presentation. It was helpful to all of us.

Ms. Rosemary Waterston: You're welcome.

The Chair (Ms. Natalia Kusendova): Thank you very much. At this time, we will be moving on to Mr. Blais for six minutes of questions. Go ahead.

Mr. Stephen Blais: Thank you, Ms. Waterston, for presenting to us this morning. Clearly, your passion for your community is evident.

You mentioned that it's a big city and it's hard to know every community. It's a big province. I'm calling in from Ottawa today, so in fairness, I don't know much about your particular community, but I was very interested in the Jimmie Simpson community centre and the impacts you described. I'm wondering if you could describe for us very quickly the kinds of activities that take place at that particular centre and its importance to the local neighbourhood.

Ms. Rosemary Waterston: Okay, sure. The Jimmie Simpson Park is two and a half hectares. It's not huge, but it is the only green space in an area that used to be industrial. That park used to be the Dunlop tire factory. It's a new park and it's one that is heavily used.

The community centre has a pool. It is used by multiple groups, and the park and the community centre are used for camps for children in the neighbourhood. There is a little playground at the north. Here, to show you: Up at this end, there is a playground—it is the only one within a large area—that has a jungle gym and that sort of stuff. It is

packed with children all the time. There is a baseball diamond and a soccer field here that are constantly in use, a basketball court and a tennis court. When the trains are going to go right by here every 90 seconds, the impact on this park is phenomenal.

As well as this park, on the other side there are these little, tiny parkettes. These all add up to the only green space—if you look at this map, you will see that that is the only green space we've got. Yet we also have condominium towers going in, and people living in very small spaces with families. This is a critical community resource. I cannot tell you how much it is used. It's packed all the time. And that community centre is the centre. It's where we vote—it's the hub of our Leslieville.

Mr. Stephen Blais: That's the word I was looking for: hub.

Ms. Rosemary Waterston: This is the hub. There's no question. It's where we have our Canada Day celebrations, our art in the park—everything that happens in the community happens at Jimmie Simpson. To have this kind of negative impact on the very little green space that we have—our neighbourhood, our ward is in the second-lowest category for parkland per person in Toronto. The idea that we would be losing any of it is just appalling. All the young families—it just doesn't seem right.

Mr. Stephen Blais: I appreciate that. Thank you very much for sharing that with us.

The Chair (Ms. Natalia Kusendova): Thank you. We will now move on to seven minutes of questions by the government. Go ahead, MPP Martin.

Mrs. Robin Martin: Thank you very much, Ms. Waterston, for your thorough presentation. I appreciate the maps as well, and the labelling of some of the community facilities. That's very helpful. Thank you for going through that with us.

I wanted to talk a little bit about the environmental assessment process. My understanding is that the proposal is not to relax any environmental protections, but just to try to have some efficiency in the process. The whole intent of this bill is to minimize disruptions on your community by making the project not take an absurd amount of time or take longer and longer.

My riding is the riding of Eglinton–Lawrence, so the Eglinton LRT is at the base of my riding. We've had massive disruptions for 10-plus years now, and extensions of the project. I think if you asked anyone, they would say that the most upsetting part of this is that it's never-ending, and we want it to end.

So the point of the environmental assessment changes and, frankly, all the other changes in the bill is really to try to streamline so that we can be coordinated and not take time where it isn't necessary. Most of the bill is targeted at coordination of permits in the area for construction and coordination of utility relocations and things like that, which tend to add a lot of delay to these projects, in order to be as streamlined and efficient as possible in getting out of your community short-term.

0950

The environmental process, I just wanted to make sure you realize, is basically proposed to largely follow the

existing TPAP and will be subject to conditions to be met by Metrolinx to make sure that consultation occurs and that environmental oversight is achieved. Nothing in the tools will change the outcomes for any environmental assessment process, and certainly all the provincial environmental legislation will apply—the Environmental Protection Act and the Ontario Water Resources Act. So we think we're still well protected from an environmental perspective.

But you also raised the issue about the hearings of necessity and expropriations. I made a note; you said that there's something very disturbing about the whole process of expropriations, and that's certainly true. It's a power that government has to exercise sometimes for major infrastructure. Expropriations are upsetting and disturbing to people, clearly.

The removing of the hearing of necessity, however, doesn't change the outcome but would greatly reduce the risk of project delays, because really, hearings of necessity are a forum for property owners to appeal the acquisition of the property to the government, trying to demonstrate why their property is not necessary to the project. And when you're talking about linear transit projects—i.e., it's got to go this way—there isn't a lot of debate about what's necessary and what's not necessary. Unfortunately, landowners are typically not successful on these hearings anyway, and the minister doesn't even have to adopt the recommendation as a result of the hearing.

Those hearings take 12 months or longer—I don't think there's any time limit on them—and frankly, this could save up to five months, making it possible to get moving on the project sooner, for a result which is almost a foregone conclusion. So that's the whole point of making that change.

As Mr. Tabuns pointed out, in the legislation, there is a provision for the minister to establish a process to still hear from residents on this issue, and she can do so by regulation. I would just like to ask you if you would have any suggestions as to what would be a satisfactory process, from your point of view, so that a resident can have a say? Would you suggest anything that should be in a regulation that she might put forward to give you some feeling like you've been heard on that issue?

Ms. Rosemary Waterston: Okay. Well, that's a lot of information for me. But what I would say is that the original downtown relief line was in a very different configuration. It went down Carlaw, which isn't even shown on this map, and then across from the Gerrard station.

Mrs. Robin Martin: I know the neighbourhood well; I used to live there.

Ms. Rosemary Waterston: Okay. So you will know that this is a completely different plan than the plan that went through a complete TPAP and an environmental assessment. I have grave concerns that they didn't do a complete TPAP environmental assessment on going through this route that is shown on this map, through this park. That's the concern about not having done an environmental assessment and in trying to piggyback with

one that is really only tangentially relevant to the new proposed route.

It's just so interesting to me to hear you say that it's really just a pro forma thing to have these hearings of necessity.

Mrs. Robin Martin: That's not what I said. We're not—

Ms. Rosemary Waterston: No, no. But if it's a straight line, you're going to win anyway, so what's the point?

Mrs. Robin Martin: But the Expropriations Act, of course, will make sure that everybody is adequately compensated and that it's done by appraisers and other experts. It makes provisions for payment of interest and cost.

It's not the issue of compensation that you don't have a hearing on; it's the issue of whether my property is necessary. It is not the same thing. I think people are maybe conflating the two. The issue that I was trying to suggest is the issue of whether your property is necessary or not, given a linear transit project. Often people do not succeed because it's often fairly obvious that it is necessary, because that's the way the train has to go because trains don't bend. That was the point I was trying to make.

And what I was asking was whether you have any suggestions that might be helpful for the minister to hear about what could be done to make you feel like on that issue, is my property necessary, you've had your say.

The Chair (Ms. Natalia Kusendova): Thank you very much. Unfortunately, we are out of time. Thank you, Ms. Waterston, for your presentation this morning.

We will now take a recess until 1 p.m. for our final presenter. Thank you.

The committee recessed from 0956 to 1300.

The Chair (Ms. Natalia Kusendova): Good afternoon, everyone. I now call this meeting to order. We are here for our final day of public hearings on Bill 171, An Act to enact the Building Transit Faster Act, 2020 and make related amendments to other Acts.

I see that MPP Rasheed has joined us. MPP Rasheed, if you could please introduce yourself and state which city in Ontario you're currently calling from.

Mr. Kaleed Rasheed: Good afternoon, Chair. Kaleed Rasheed from Mississauga, Ontario.

The Chair (Ms. Natalia Kusendova): Wonderful. Thank you for joining us.

MR. JOHN SCULLY

The Chair (Ms. Natalia Kusendova): I see we have our final presenter of the day with us onscreen. Welcome, Mr. John Scully. Thank you for joining us. You will have 10 minutes for your presentation, and you may begin by stating your name for the record.

Mr. John Scully: Hello. I'm John Scully. I live in the Riverdale community of Toronto. I'd like to share a presentation onscreen, if I may, to give you some visuals and some text to go with what I'm saying.

The Chair (Ms. Natalia Kusendova): Wonderful. You may begin.

Mr. John Scully: Thank you to the members of the standing committee for providing me with this opportunity to present my perspectives about Bill 171. I have several topics that I want to address in the 10 minutes allotted for my presentation.

First of all, I want to introduce you to my community and to let you know that I'm actually in favour of transit. I want to share my specific concerns about Bill 171 and why I think Bill 171 is so wrong. I'd like to talk about the impacts on my community if it goes forward and what I think you need to change about the bill. These are all the things I'd like to try to cover in my brief time with you today.

To start with, I'd like to introduce you to some people who live on my street. My wife, Leslie, and I live with our adult children, Myrna and Dashiell. Our family is right across the street from Pape Avenue school, where both of our children went to school. Our neighbours on one side are Bob and Kate and their daughter Emma and her boyfriend, John. On the other side, there are John and Joanne. Beside them are Kerry Lynn and Coom, Tree and James, Randy and Marie and their daughter Kristy. On the other side live Danny, Sonja and her daughters. Then further up the street there are Pam, Scott and Angus. Then down the street there is the Francis Beavis Manor, a retirement home.

Up and down my street are people who have lived here for decades. They've raised their families here and they've invested in their homes in this community. These are the people in my immediate community. We're not just numbers and statistics on an Excel spreadsheet. Our futures are intertwined with our houses and our street, and we're very concerned about the proposed Ontario Line and especially about Bill 171.

I acknowledge that expanded transit is an absolute necessity. We need to reduce the amount of carbon emissions if we're going to survive as citizens in this world. That's why I ride my bike to work—when I'm actually going into work, as opposed to working at home, as you all are. However, the rest of my family depends on the TTC to get where they're going daily.

Our daughter, Myrna, has been taking transit for more than a dozen years to go to high school, university and then to work. She told me that in pre-COVID days, daily she'd have to wait for numerous other trains to come through before she could find space at Pape station.

My son travels to school at Ryerson University every day, waiting for that 506 streetcar, and he waits and waits because it's packed, because there are just too many commuters. So I'm absolutely in favour of more transit in Toronto. It is long overdue.

However, before Metrolinx starts building, we want to make sure it's done right. So what we need is community consultation. What we need is due process and consideration for the affected areas. We need the rights for hearings of necessity so that residents can have their say. Those are a necessity. And you need to restore trust with the community and prove to us that you've made clear plans that actually account for the multiple perspectives and the

lives that are going to be impacted by the decisions that are going to be made.

Let's just take a little look at Bill 171 and the context of it. Why is it actually being put forward? Well, the current government cancelled the well-planned, shovel-ready relief line in favour of a P3 Ontario Line. The proposal for the relief line held many public meetings in my neighbourhood about the design of the subway, and we actually reached a workable solution. So cancelling that proposed subway actually set transit construction back years.

The current government is refusing to fund transit now, so you can't say that you care about building better transit but ignore the riders that you already have. I have to ask: What happened to community consultation? What happened to proper environmental assessment? What happened to the basic logic of urban planning? It's a simple concept: Plan out what you need to do before you start to do it.

If I'm going to build a deck in my backyard, I don't go to the lumberyard and start buying materials and hammering boards together before I've taken a look at where the posts will go and what the ground looks like. I will consult with my neighbours too and I'll see if there's going to be an impact for them in terms of my building. That's what people who care about building a successful, long-standing project do.

Bill 171 removes this necessity on a multi-billion-dollar scale. The undemocratic precedents that this bill proposes are just breathtaking. You could easily accuse that I'm just exhibiting NIMBYism, that I don't want the subway to appear here because I don't want it in my backyard. Well, that's not quite right; it's actually my front yard that I'm worried about, and that's what we're seeing right here.

I ask you all to take a moment and think about where you live. What do you see when you look out your front window? Consider what you step onto when you go out your front door. What does your community look like on a mild spring night? Maybe there are other houses, where you develop friendships with your neighbours—be able to linger on a summer evening and talk about what's happening with your children and how much they've grown since you last saw them. Perhaps you have a park close by where, in non-COVID times, families and children gather in the evening and chat and play. Maybe, like us, you have a school out in your community where kids come to school every morning and meet their friends and learn.

I wonder how it would make you feel if the government told you that an above ground transit line that runs trains every 45 seconds was going to be built right in front of your house—not someone else's house in some distant neighbourhood, represented by some other member of Parliament who you're in opposition with, but your house, your street, your community. If that was happening to you and your family, would you not have an opportunity to have a voice in the process? Wouldn't you want to be consulted before the final decision is made? If your house is going to be expropriated, wouldn't you want to have the opportunity to address a committee and have your concerns heard? That's what I'm asking for.

Bill 171 clearly takes away my right as a homeowner to do that. It speeds up expropriations and reduces the resident's ability to contest them. You can say that this is for the greater good, but where do the rights of the individual fit into your process? What if that individual house was yours? What would you say?

Again, I don't object to expanded transit. What I do object to is what Bill 171 is proposing. Bill 171 will negatively affect the communities all around the proposed transit projects—not just in my community, but in the three other areas as well. I object to an ill-conceived design that will do things faster, but without stopping to think before moving forward. I object to the poor treatment of citizens. I object to skipping over important consultation with the community. I object to removing the basic democratic process for a project that will have impacts on our community for decades to come.

One thing that I strongly object to in Bill 171 is that it removes the opportunities for hearings of necessity in case of expropriation. I'm sure that it would be much more convenient for the government just to push forward with their agenda on the transit plan without having to consult with communities or actually follow due process and the rule of law that has been on the books for decades. It would be much more convenient to not have to deal with homeowners who raise questions when their houses have been expropriated, especially for a plan that has not even undergone an environmental assessment yet. It would be much more convenient if the government doesn't have to sit down and listen to people who have been affected by expropriation and to deal reasonably with them.

1310

All of this would be much more convenient for the government, but democracy is not convenient. It's messy, it takes time, and it takes people being willing to sit down and listen to each other. When you take away the rights of people to be heard, to speak up in defence of their property and to ask questions of those who are taking away their homes, you remove their fundamental rights as citizens in the province. It may be convenient to the government, but it's not right.

I object to the way that time is being used in this bill. It's obvious from the title of the bill that it's pushing for a rushed process, one that will supposedly save time, but in fact it will take more time and cost more money. The government is proposing a plan that is not well considered. As evidence clearly shows, when you rush forward without a proper plan, you end up taking more time and costing more money.

The failed attempt by the government to revamp the simple Ontario licence plates is a fine example of not planning properly and the ensuing mess that resulted. The impacts of the decisions that you are making so quickly in the next several months will be affecting the residents of these communities negatively for generations to come. This is a classic example of short-term gain for long-term pain.

I just want to share a little bit about my neighbours Bob and Kate. I talked to them and I asked them how they felt

and what they're concerned about in their house. They've been there for 30 years. What they're concerned about is expropriation. They're concerned about the retirement that they will not be able to save for, the value of their house, Pape Avenue school—

The Chair (Ms. Natalia Kusendova): I'm so sorry, Mr. Scully. I'm afraid we are out of time.

I will now give the floor to Mr. Blais, the independent Liberal member, for six minutes of questions.

Mr. Stephen Blais: Thank you very much, Mr. Scully, for your presentation this afternoon. Over the course of these hearings, I've been reviewing the two business cases, the relief line and the Ontario Line, and I'm hoping to get from you a sense of what makes the relief line so much better than the Ontario Line, from your perspective.

Mr. John Scully: Quite simply for me, Stephen, the fact that the relief line was consultative and actually asked the community before they went ahead: That's a very basic premise of it.

Beyond that, in terms of the actual physicality of it, what we agreed on with the relief line was that it was going to be underground, so the communities that are immediately beside where the trains will run are not going to be hearing trains going by them every 45 seconds. So it was buried.

Mr. Stephen Blais: I appreciate that, and I appreciate that the visual impact of above ground and the auditory impact are not to be taken lightly. But you mention that you're a strong advocate for the environment—you cycle to work etc. Is not doubling the length of the line, doubling the number of stations effectively, and encouraging additional public transit ridership—doesn't that outweigh the other environmental impact that you're concerned about?

Mr. John Scully: Well, I think that's only the case if you're willing to say that you can only have one without the other. Absolutely, having a longer transit line is great, but if you do that at the cost of the enjoyment of life—I would love to know what the environmental impacts actually are of the proposed Ontario Line; they have not been published.

Having a long line: Great; I'm absolutely in favour of that. I'm sure the people in Thorncliffe Park would love to be able to commute down, but if you do that at the cost of not consulting them and finding out that this is the best route before you barrel along forward with it, I don't think that's the right solution.

May it cost more? Yes. Do you always buy the cheapest thing in the store because it's cheaper, or do you sometimes pay a bit more because you get a better product and that's actually going to be better in the long run? It's going to last longer and have a more positive impact.

Mr. Stephen Blais: That's fair enough. From our consultative planning, we've heard repeatedly that many members of the community feel that there has been a gap with Metrolinx, that consultation has been weak, but also there's not a lot of trust in terms of an ongoing relationship. I'm wondering if you could recommend—beyond consultation, because I know you want some—beyond

more consultation, what are two or three things Metrolinx could do to improve the working relationship with you and the immediate community where you are?

Mr. John Scully: More transparency, for one thing; maybe that goes well with consultation. I would love to see members of our community on committees that actually help to make decisions before this moves forward. I would love to see, if you're going to present information that's going to impact the municipality, that the municipality actually have a voice on that before we move forward with a plan that could directly impact them both fiscally and in terms of logistics in the construction. So include more voices in the process—that may be considered to be consultation, but that's actually involving them in the process, and that's what we all want to have.

Mr. Stephen Blais: Sure. If I could summarize—and if I get it wrong, please correct me—you want to feel like you're part of the solution, not just seen as a hindrance or as a problem to the solution, right?

Mr. John Scully: Absolutely. If community consultation is seen as a hindrance because it slows things down, that's completely upended. That's backwards. Community consultation should actually be seen as an integral part of it so you get to a better product in the end.

Mr. Stephen Blais: Sure. Thank you for your time this afternoon. I appreciate it.

Mr. John Scully: Thank you, Stephen.

The Chair (Ms. Natalia Kusendova): Thank you. We will now move on to seven minutes of questions by the members of the government. Go ahead, MPP Karahalios.

Mrs. Belinda C. Karahalios: Thank you, Madam Chair. Can you hear me? Okay. Wonderful.

Thank you, sir, for your deputation this afternoon. One thing that was very clear to me is the feeling of not being heard. I can only—not that I can imagine; I understand very clearly what that's like. I won't get into the details, of course, but I live in Cambridge. My riding is Cambridge. We had an issue, we'll call it, here. There were, quote, unquote, consultations where it ended up being essentially trying to get us sold on an idea about something instead of actually being heard. We took our time—myself included, and many residents—to be heard and put deputations together. It was like throwing things at a brick wall. It was very frustrating, so I understand, truly, when I say what it's like to not feel like you're being heard. That's something that we have heard from other people over the last three days. I'm sorry that that has been your experience, because again, like I said, I understand how frustrating it can be.

I do know that my colleagues from the government side would like to share in some of the time, so I'll try not to speak too much.

But I will say that Metrolinx is required, under the Metrolinx Act, to establish community advisory committees. In saying that, I realize you just said that you've been to consultations and you don't get heard. That is feedback, of course, that is being taken forward. All of this is being broadcast and televised, so that is feedback that is going to be taken to the ministry, so please be assured of that.

Mr. John Scully: Thank you.

Mrs. Belinda C. Karahalios: You're welcome.

The other thing is that the purpose of the bill is not to establish which line but to coordinate to minimize disruption. I know that you talked about the initial line that was planned and how it was looking at a different one. I think right now it's really in the infancy stages. Bill 171 sets out the proposed authorities that could be used during the planning and construction phases for the four priority transit projects.

You'll have to excuse me; I see my son walking this way, so I'm going to apologize ahead of time if there are some visual distractions.

Mr. John Scully: That's all right.

Interruption.

Mrs. Belinda C. Karahalios: Hold on.

I'm going to switch it over to my colleague, because he's starting to get chatty. Pardon me, Chair, and pardon me, sir, but thank you very much for this time.

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Martin.

Mr. Robin Martin: Thank you, Mr. Scully, for your presentation.

As my colleague was saying, not only is this being broadcast, but of course, all of these comments are being reviewed by the minister and her staff. The parliamentary assistant for the Ministry of Transportation is also a part of this committee so has been hearing them.

We've certainly heard that Metrolinx needs to do a better job of listening to the community and consulting with them more actively. Of course, COVID-19 hasn't helped that, because the two offices that were claimed to be open apparently have not been able to be, like everything else right now, so that is certainly a learning from all of this.

As my colleague said, the Metrolinx Act is really the act which establishes Metrolinx and the requirements of Metrolinx to consult. We've heard all kinds of suggestions about how Metrolinx could do a better job. Certainly we're interested in that because, as my colleague was saying, the purpose of this bill is to do sensible things that we've learned on the Eglinton Crosstown, for example. My riding is Eglinton–Lawrence, so my community has been disrupted for 10 years by construction that has been going on there, despite environmental assessments, planning, etc.

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The purpose of this bill is really to say, we want to minimize the disruption to the community as much as possible and so we want to keep the project as short as possible. There are simple things we can do, like coordinate utility relocations and construction permitting, so that people get out of your communities sooner rather than later. So the basis of this bill is to take those learnings and to try to improve things. The fundamental thing, I think, if you ask people in my community, is to get it done faster, because taking a long time is very costly to everybody and inconvenient for businesses, etc.

You mentioned the hearings of necessity. I have to just make sure you understand that there's a provision in the bill—maybe you looked at it—where the minister can set up a process by regulation to hear from people on hearings of necessity—

Mr. John Scully: I think the exact language is it “may” set up. It doesn't say it—

Mrs. Robin Martin: You're right.

Mr. John Scully: That doesn't give me [*inaudible*].

Mrs. Robin Martin: I know. You can say that, but what they're talking about is not a hearing on your right to dispute compensation for expropriation. The main purpose of the Expropriations Act is to make sure that people are compensated if the government has to expropriate. So our approach is collaboration first. We want to work together. We want to have an arrangement that everybody can agree to in all cases. That is the first approach. Only if necessary do we get to the point where we have to expropriate.

For example, whether a property is necessary or not to a particular project in a linear transit project is not really something that you can really win on, because a train has to go straight. The reason that this has been adjusted is that it adds a significant amount of delay, as everybody disputes—sometimes just little things down. Everybody disputes whether their property is particularly necessary. So it's just trying to shorten that time frame.

The minister has indicated that she has this process that she can set up, so whether they would still be heard on the issue doesn't take away any rights to be heard on if this is just compensation or on the main things that the Expropriations Act is supposed to apply. It's just a small thing, and my understanding is that not only do residents typically not win hearing of necessity cases for the reasons I said, but that the minister doesn't even have to take the result of the decision. She can just consider it; she doesn't have to accept it. So it is kind of an extra unnecessary process.

If you have any suggestions for other things that the minister could do in that process that you would like to see established on hearings of necessity, maybe you could suggest what that would be in light of what I've just relayed.

Mr. John Scully: Okay, sure. Let me just go back to—

The Chair (Ms. Natalia Kusendova): I'm so sorry, but we are out of time.

We will now move on to our official opposition. MPP Tabuns, go ahead. You have seven minutes.

Mr. Peter Tabuns: Thank you very much, Chair, and I'll be sharing the time with my colleague MPP Harden.

Mr. Scully, it's very nice to see you. Thank you for your presentation this afternoon. I have to say, visually, you beat the crowd.

Mr. John Scully: Glad to hear it.

Mr. Peter Tabuns: Well, it certainly makes the point.

What do you think Metrolinx will have to do to restore confidence amongst the population that it's [*inaudible*]? What steps concretely have to be there before people would say, “Yes, Metrolinx said it was going to do X. We can have a feeling that that is what will happen?”

Mr. John Scully: Right. We've already talked about the absence of having a voice or at least a sense that we have a voice, so more consultation, for sure. I'd have to say that the meetings I attended earlier this year from Metrolinx were absolutely uninformative, where the chief engineer had no answers to provide about serious questions. So more consultation, more community meetings: If they can't happen in person because of COVID reasons, then let's find another process, because if you don't involve the people who are actually impacted by this—it should include them—then that's not helpful in any way. So that's one thing.

Another thing is, as we've already mentioned, establishing working groups so that residents, business members, municipalities can actually be involved in the decisions. I know that the purpose of the bill is not about choosing the best route, but if you're going to involve a process that chooses the best route, then that process has to be fair and equitable and actually has to include opportunities for people from many different perspectives—those messy perspectives that are part of democracy—to actually be included in the consultation.

What provisions are there for minimizing construction disruption and for noise to be minimized as well? I'm not confident that the sound barriers that are being proposed for the above ground section are actually going to be effective. Imagine standing in your backyard, trying to have a conversation with your neighbour, and every 45 seconds a train goes through. That's just not feasible for people.

Ensure that businesses are going to be compensated for the damages that they might receive either through the extended time of construction or from loss of property, and ensure that there's a legal body for citizens to be able to complain to. I know that member Martin talked about the fact that the expropriation maybe is not always listened to anyway; the government doesn't have to follow through with that. But if you don't actually have a place where you can go and have your voice heard, you feel like you don't belong and it doesn't matter.

On top of that, if you look at the expropriation process, there are many times where the proposal for the expropriation actually was rejected by the governing body, saying, “Actually, if you try and prove this, it's not acceptable.” It makes me very concerned that when potentially the environmental assessment is delayed, things move forward, property is potentially expropriated, and yet maybe that property doesn't have to be expropriated. So when member Martin says it's a straight line, well, that straight line is going to be impacted by the environmental assessment, and when it's finally done, we'll actually decide on what the route would be.

Mr. Peter Tabuns: Thank you. I really appreciate that. Chair, if my colleague MPP Harden could have the floor?

The Chair (Ms. Natalia Kusendova): Go ahead, MPP Harden.

Mr. Joel Harden: Mr. Scully, thank you for being with us. I'm coming to you from Ottawa, where you may know

we've had quite a time with our massive construction, the light rail construction project up here.

Something you said really struck a chord with me, because it's something I've heard from residents. You mentioned that in the interest of building faster, what we may end up doing is doing something that is much more expensive. So I'm curious to know: When you were in these large meetings that were unsatisfactory with Metrolinx, were you or other residents posing questions about the cost of 30- or 25-year maintenance contracts? I ask you, sir, because here in Ottawa, we've signed up to a \$4.5-million-per-month maintenance contract with a private consortium that doesn't report to the city; it reports to the private builders. There's absolutely no accountability. Has that concern been raised? Is that something that's on your mind?

Mr. John Scully: To be honest, member Harden, that's not something that's on my mind. I know a certain amount about transit, but not that. But that's an excellent question. Those are expenses that are well beyond the actual putting the shovel in the ground and digging that have to be addressed. If those questions don't get raised by the groups who have information around that and posed to groups such as Metrolinx, then they're not going to be answered. So the answer is no, that question was not addressed in any way, and I don't know what the answer is to it, either.

Mr. Joel Harden: The last question I'll ask you, in the time we have, because I think you're our last deputant in this process: People have been telling us uniformly, just so you know, that they are very upset with the lack of accountability in this process. They're worried about the breakneck speed with which the government appears to be proceeding. I am worried, from the Ottawa experience, that we're embracing yet another private consortium model that's going to end up costing everybody a lot more and make the community upset. In Ottawa, we have a non-functional transit system. That's what we got out of this, presumably for 30 years.

How upset is the neighbourhood, especially [*inaudible*]. Those meetings you were in: Do you think, should our members [*inaudible*]. Is this fight going to be over if this bill is rammed through? What's your take on that?

Mr. John Scully: If you're asking on a scale of one to 10, I think it's at a 10 in terms of how upset people are. If you're asking whether or not the fight would be over if this bill gets pushed through, absolutely not. I just had a sidewalk conversation with some of my neighbours this morning discussing it. They're very upset. They're furious. They're discussing class action lawsuits. They're discussing civil disobedience. They're discussing things that we in polite society don't always go towards. But they're furious, and they're feeling they're not being heard.

Mr. Joel Harden: Okay. Thank you very much for your time, and I really look forward to seeing this. You have support from Ottawa; we've been through this. Any time you want to reach out and talk to us about examples of what not to do, we've got lots to share.

Mr. John Scully: Thank you for that.

The Chair (Ms. Natalia Kusendova): Thank you very much, Mr. Scully. As a reminder, the deadline to send in a written submission will be 6 p.m. today.

Dear committee, this brings us to the end of our deliberations for today. I would like to remind members that proposed amendments to the bill will be due to the Clerk of the Committee by 6 p.m. on Friday, June 12. This is a hard deadline.

We will now adjourn until 10 a.m. on Monday, June 15, when we will meet for clause-by-clause consideration of the bill. I just wanted to remind everyone that we have a mandatory pre-meeting at 9:45 on Monday, where we will go through the process for the proposed amendments.

Thank you very much to everyone who has joined us today. Thank you to our wonderful staff. This committee is now adjourned until Monday, June 15, at 10 a.m.

The committee adjourned at 1331.

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