

Bill 171: Building Transit Faster Act

Presentation by John Scully

June 10, 2020

I have several topics that I want to address in the 10 minutes allotted for my presentation

- Introduce you to my community
- The fact that I'm in favour of transit
- My specific concerns about Bill 171
- Why bill 171 is so wrong
- What the impacts will be on my community
- What you need to change about the bill

My Family, My Neighbourhood, My Community

I'd like to introduce you to some people who live on my street.

My wife Leslie and our adult children Myrna and Dashiell

My family and I live on Pape ave, across the street from Pape Ave School where both of our children went to school.

My neighbours on one side Bob and Kate and their daughter Emma and her boyfriend John.

My neighbours on the other side 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,

Further up the street Pam, Scott and Angus

Down the street is the Francis Beavis Manor Retirement Home. WAIT to

Up and down my street are people who have lived here for decades, raised their families and here and have invested in their homes and this community.

These are the people in my immediate community. They are not just numbers and statistics on an excel spreadsheet

Our futures are all intertwined with our houses and our street.

We are all very concerned about the proposed Ontario Line and especially about Bill 171

In Favour of More Transit

- I acknowledge that expanded transit is an absolute necessity. We need to reduce the amount of carbon emissions if we are to survive as citizens of this world. That's why I ride my bike to work. However, the rest of my family depend on the TTC to get where they are going daily.
- My daughter has been taking the transit for more than a dozen years for high school, university and her work. She told me (pre COVID) how daily she had to wait for numerous subway trains to come through before she could find space on one at Pape Station.
- My son travelled to school at Ryerson University everyday waiting for the 506 streetcar and being packed on because there are just too many other commuters.

- So I am absolutely in favour of more transit in Toronto. It is long overdue

Opposed to Bill 171

- Before metrolinx starts building we need:
- I just want it done right, with consultation, with due process and with consideration for the areas that are affected.
- The right for hearings of necessity so that residents can have their say are a necessity
- You need to restore trust with the community and prove to us that you have made clear plans that actually accounts for the multiple perspectives and lives that will be impacted by the decisions that are going to be made.

Why is bill 171 being put forward?

Let's look at the context of why bill 171 is being put forward?

- The current government cancelled the well planned, shovel ready Relief Line in favour of the P3 Ontario Line.
- The proposal for the Relief Line held many public meetings in my neighbourhood about the design of that subway and we had reached a workable solution
- Cancelling that subway proposal set transit construction back years.
- The current government is refusing to fund transit now. You can't say you care about building better transit but ignore the riders you already have.
- I just have to ask:
- What happened to community consultation?
- What happened to proper Environmental Assessment?
- What happened to the basic logic of urban planning?
- Its a simple concept: plan out what you need to before you start to do it
- If I'm going to build a deck in my back yard. I don't go to the lumberyard and start buying materials and hammering boards together before I've taking a look at where the posts will go and what the ground is like there. I will consult with my neighbours too to see if there will be any impacts. That's what people who care about building a successful, long standing project do.
- Bill 171 removes those necessities on a multi billion \$ scale. The undemocratic precedents that this bill proposes are breathtaking.

NIMBISM

There could easily be the accusation that I am just exhibiting Nimbism.

That I don't want this subway to appear here because it will be in my backyard.

That is not quite right. It is my front yard that I am worried about.

I ask you all to take a moment and think about where you live right now.

What do you see when you look out your front window?

Consider what you step out 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 have developed friendships with your neighbours. Do you ever linger on

summer's evening and talk about what is happening with their children and how much they have grown since you saw them last.

Perhaps you have a park close by you where in non COVID times, families and children gather every evening to chat and play. Maybe like us, you have a school yard in your community where kids come to school every morning to meet their friends and learn. I wonder how it would make you feel if the government told you that an above ground transit line with trains running every 45 seconds was going to be running in front of your house.

Not someone else's house in some distant neighbourhood represented by some other member of parliament who you are in opposition with. But your house. Your street. Your community.

If that was happening to you and your family, you would want the opportunity to have a voice in the process.

Wouldn't you want to be consulted before the final decision was made.

If your house was going to be expropriated, wouldn't you want to have the opportunity to address a committee and have your concerns heard?

That is what I am asking for:

Bill 171, clearly takes away my rights as a homeowner to do that. It speeds up expropriations and reduces the resident's ability to contest expropriations.

You can say that is for the greater good. But where do the rights of individuals fit into your process? What if that individual house was yours? What would you say?

What is wrong with Bill 171

I don't object to expanded transit.

What I object to is what Bill 171 is proposing

- Bill 171 will negatively affect the communities around all of the proposed transit projects
- I object to ill conceived design and that will do things faster but without stopping to think before moving forward
- I object to poor treatment of citizens
- I object to skipping over important consultation with the community.
- I object to removing the basic democratic process from a project that will have impacts in our community for decades to come

A Specific Objection to Bill 171

One thing that I strongly object to in Bill 171 is that it removes the opportunity for Hearings of Necessity in cases of expropriation.

I'm sure that it would be much more convenient for the gov't to just push forward with their agenda of their transit plans without having to consult with communities or actually follow due process and 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 will be much more convenient if the gov't doesn't have to sit down and listen to the people who have been affected by expropriation and deal reasonably with them.

All of that would be much more convenient for the government.

But democracy is not convenient. It is 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 own property, to ask questions of those who are taking away their homes, you remove their fundamental rights as citizens of this province.

That may be very convenient for the government, but it is not right.

Samples of Hearings of Necessities that overturned the original order

<http://rbllp.com/wp-content/uploads/2018/04/Hearing-of-Necessity-Paper.pdf>

HEARINGS OF NECESSITY—AN OVERVIEW Shane Rayman and David Campbell, Rayman Beitchman LLP Presentation to Ontario Bar Association March 28, 2018—Mississauga, Ontario

Expropriations Act, 1968–69

Verdiroc v. Toronto (City)⁴⁵

“The property was in a prime development area of the City of Toronto. The authority proposed to expropriate several small pieces of land and interests of various kinds, including permanent rights-of-way and strata fee takings, from the owners to accommodate a new subway station and bus loop. The land owners did not contest the need for the project, but argued that the various small takings would, together, have such an adverse impact on the development potential and value of the remaining lands that fairness dictated that the entire parcel should be acquired. Further, they argued that if the authority were permitted to proceed with its proposed strata fee taking, their negotiating position with respect to the ultimate development of the property would be severely prejudiced. The Inquiry Officer agreed with the land owners and recommended that the authority should acquire all the property.”

Hearing by means of Inquiry

“The hearing shall be by means of an inquiry conducted by the inquiry officer who shall inquire into whether the taking of the lands or any part of the lands of an owner or of more than one owner of the same lands is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.”

Expropriations Act, 1968–69

“Determining fairness “involves a balancing of the public interest allegedly being advanced by the expropriation with that of the private interest of the owner.”

“The hearing must focus on whether the specific taking is required for the project, whether it should be modified, and the available alternatives.”

Lack of Community Consultation

Rather than taking the time to consult with the communities, as previous governments have done, to come up with a new plan, the government's current plan is to pass Bill 171 so that it can ram through a revised process, not even a plan, with less environmental assessment, excluding municipalities from the planning process, and with no opportunity for residents whose homes are expropriated to have a say.

Many of my neighbours and I attended community meetings and raised our concerns about the Relief Line. Those concerns for the most part were addressed. My neighbours were looking forward to having a transit project started that would actually provide some relief for the overcrowded and underserved transit that we currently have

I would be happy to speak about my experiences participating in the community consultation meetings for the Relief Line and what came from that and how that has differed with the Ontario Line community consultation which has been negligent at best. Our concerns in the Relief Line consultation were listened to and through discussions with the community and the local government, ultimately we settled our differences. Those meetings were not quiet. Even though we were promised that the subway below the ground would be quiet. The sound deep below my house was supposed to be somewhere between the rustling of leaves and the honking of a goose. That didn't help quell the concerns of the community.

People yelled, they swore, they cried, they were outraged. Practical issues were pointed out by the community and through discussions and consultation, the direction of the route of that line was changed.

In the end, the community accepted the plan and it was turned into a reality by the city of Toronto.

It was understood that there would be disruptions, there would be excavation holes for subway stations were going to be dug.

Tunnel-boring machines would be digging right below my house.

Pape Avenue would have been shut down for an extended period or at least, access would be greatly restricted.

Nobody really wants that in your neighbourhood but we accepted it because that was the price for expanding the transit in our community.

I attended many of those gatherings. I had the opportunity to have my voice be heard. It felt good to hear other members of the community speak out and actually be listened to. There was great optimism about that Relief Line plan.

It was announced that people's homes would be expropriated. Of course, people were not happy about having their home and lives being disrupted. No one would be. But we were all satisfied that transit development was finally going to move forward and that we would be able to get to get to school and work without the completely overcrowded system that we currently have.

Time

- I object to the way that time is being used with this Bill.
- It is obvious from the title of this Bill that this is pushing for a Rushed process. One that will supposedly save time but in fact will take more time and cost more money
- The government is proposing a plan that is not well considered and 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 Ontario license plates is a fine example of not planning properly and the ensuing mess that resulted.

- The impacts of the decisions that you will be making so quickly, in the next several months in fact, 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.

Community Consultation and Impact

My neighbours Kate and Bob

I spoke to some neighbours recently, most weren't even aware of the details of the Ontario Line and how it is planned to emerge from the ground

My neighbours Bob and Kate who have lived in their house for almost 30 years.

- Here is what they are concerned about
- Expropriation
- Their retirement from the decreased value of their house
- What will happen with Pape Ave School and daycare?
- What will happen with the Francis Beavis Manor retirement home?
- Dividing the community with an above ground track will make the community less livable
- Potential increased crime in the area of the tracks
- Their future

This simple process of actually consulting with the community is more than what Metrolinx and bill 171 will be doing.

A Neighbourhood Story to Compare to Bill 171

Here is a story about my neighbour's plant being dug up

When I spoke to my neighbour Kate the other evening, She was really upset.

Someone came in the night and dug up her plant and took it.

She was upset not just because someone had dug up her \$5 plant but that there was nothing that she could do about it.

No one to complain to

No way to seek compensation

Someone just came and dug a hole in her front yard and took something and gave her no opportunity to say anything, to object, to say that this was a bad idea.

Does this sound familiar? This what Bill 171 is proposing.

Image how upset Kate will be when the hole you dig is actually the whole street in front of her house and she has nothing to say about it?

What I want to see happen:

- Work with Communities: establish working groups with local stakeholders
- Work with residents, businesses and municipalities
- Ensure the best routes are chosen and well planned
- Ensure construction disruption and noise are minimized
- Ensure businesses are compensated for damages
- Ensure that residents have a legal body for citizens to raise their concerns over expropriations

Minister/Metrolinx must establish a construction working group that includes local stakeholders to exchange advice and information during construction
Minister/Metrolinx, in consultation with community set standards for construction impacts (eg: noise, dust, road access, utility service disruptions, access to store entrances, etc) and lay out consequences for failure to do so

Additional Info:

I don't understand this Early Works segment from the Environmental Registry of Ontario This is what it says. It makes no sense in terms of planning out a project.

Certain parts of the Ontario Line are expected to be ready for construction earlier than other parts of the line.

To provide flexibility, the proposed regulation will have a process to permit early works to proceed to construction before the completion of the draft Environmental Impact Assessment Report

Preliminary activities could include:

- station modifications
- bridge replacement and/or expansions
- rail corridor expansion
- utility relocations
- This early works clause with further weakening the environmental assessment process for transit projects, giving residents less say than they already do.

From Proposed regulations for how the Environmental Assessment process will apply to four priority transit projects in the Greater Toronto and Hamilton Area

- <https://ero.ontario.ca/notice/019-0614>

Bill 171

Building Transit Faster Act

John Scully
Riverdale Community

Bill 171: Building Transit Faster Act

- My community
- Yes to transit
- My concerns about Bill 171
- Why this bill is so wrong
- Impacts on our community
- What you need to change about the bill

My family, my neighbours, my community

Direct impacts on people, not just on statistics

Bob and Kate and
Emma and John

Pam, Scott and Angus
Pape Avenue School

John and Joanne

The Francis Beavis
Seniors Housing

My wife Leslie and
Myrna and Dashiell

Kerry Lynn and Coom

Tre and James

Danny and
Sonja and her daughters

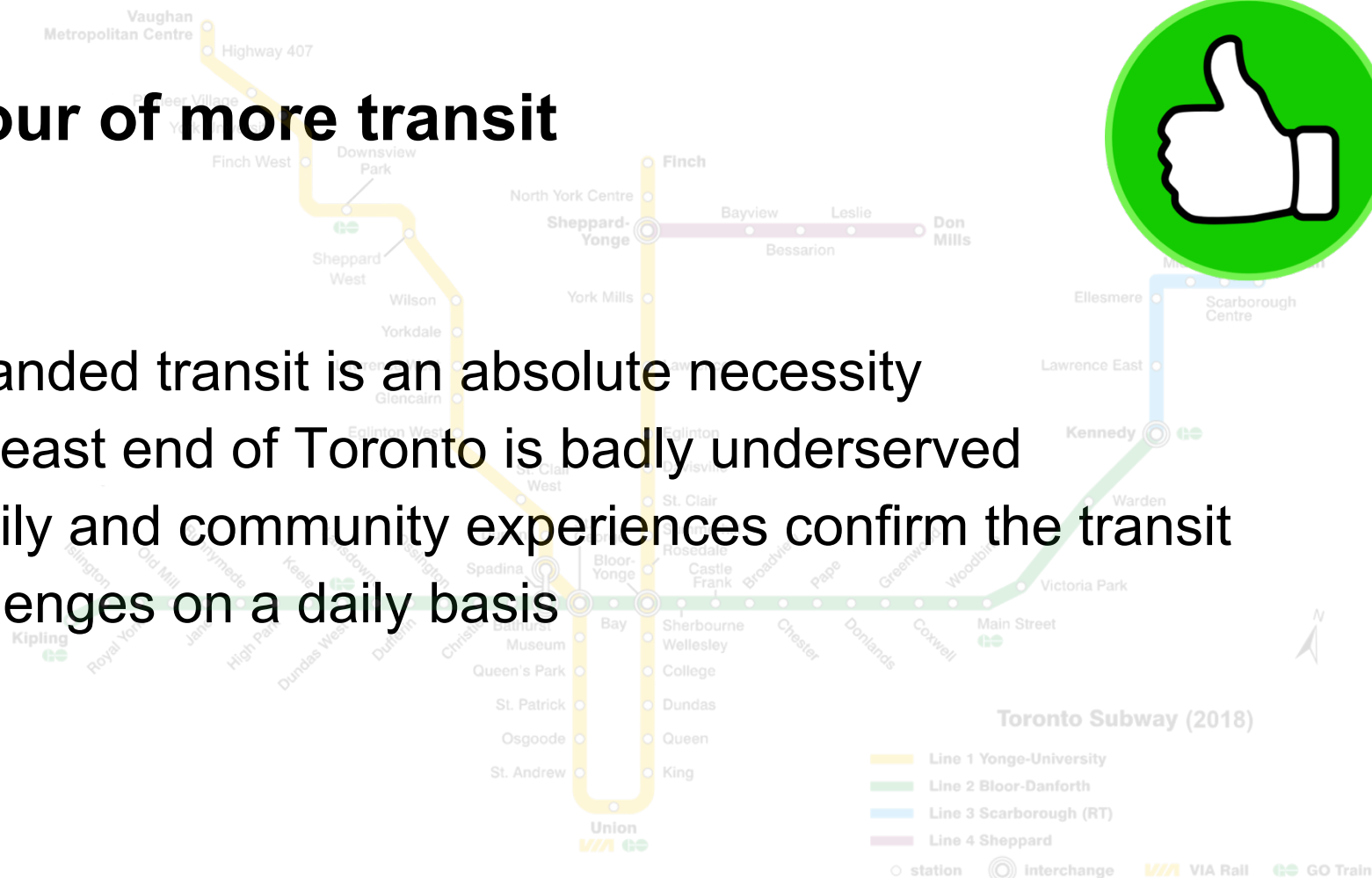
Marie and Randy and their daughter Kristy



In favour of more transit



- Expanded transit is an absolute necessity
- The east end of Toronto is badly underserved
- Family and community experiences confirm the transit challenges on a daily basis



Opposed to Proposed Bill 171



Before Metrolinx starts building, we need:

- Community consultation
- Due process for decisions
- Consideration for the areas/people that will be affected
- An opportunity for residents to respond to actions that will negatively affect our homes and community
- The government to restore trust
- Clear plans that account for multiple perspectives

Why is Bill 171 being put forward?

Bill 171

- The current government cancelled the well planned Relief Line.
- This set transit construction back years.
- The current government is refusing to fund transit now.
- What happened to community consultation?
- What happened to proper Environmental Assessment?
- What happened to the basic logic of urban planning?
- Plan out what you will do before you start to do it

NIMBY

A photograph of a residential street scene. In the background, there is a brick building with several windows. In front of the building is a fenced-in yard with a green dumpster and some colorful objects. A yellow fire hydrant is visible on the left side of the street. A large tree is on the right side of the street. The foreground shows a sidewalk and some greenery.

Bill 171: The Bill eliminates hearings of necessity for expropriations of property along the transit corridors, if the expropriations are for the purpose of the transit.

What is wrong with Bill 171

- Enables limited consideration in the design process in favour of expediency
- Poor treatment of citizens
- Skipping over important consultations with the community
- Removing the basic democratic process

Bill 171, Part III: No Hearings of Necessity

(1) Subsections 6 (2) to (5), section 7 and subsections 8 (1) and (2) of the Expropriations Act do not apply to an expropriation of land, within the meaning of that Act, if,

(a) the land is at least partly on transit corridor land; and

(b) the expropriation is for a priority transit project

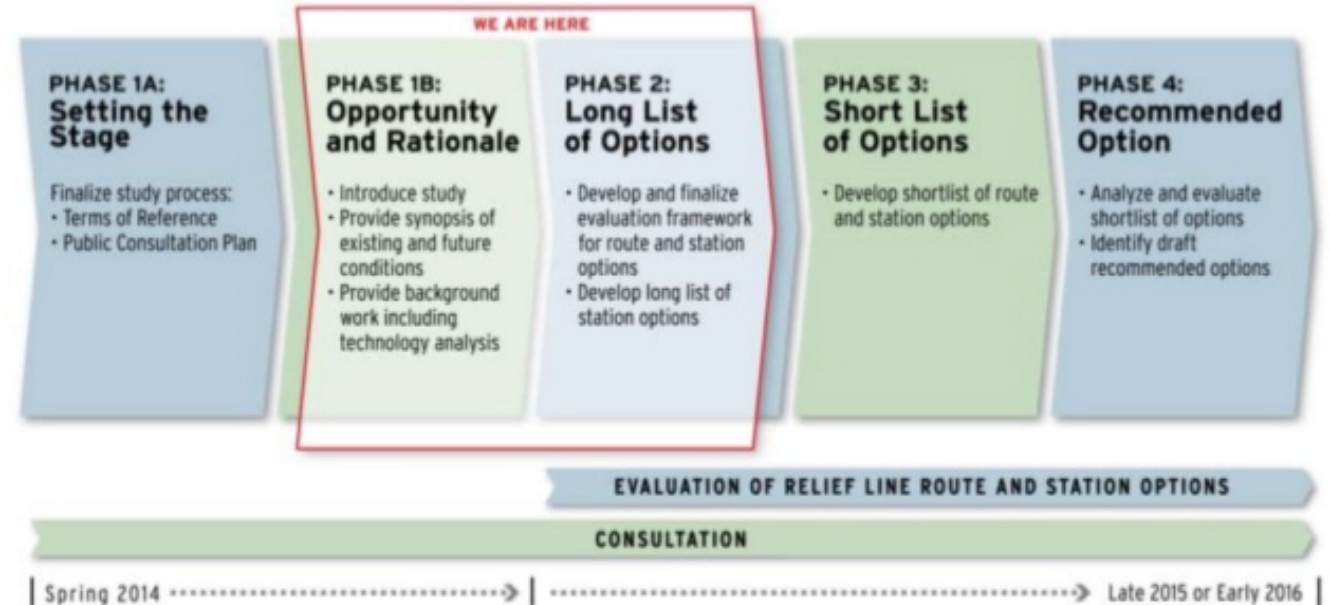
Alternative process

45 (1) The Minister **may** establish a process for receiving comments from property owners about a proposed expropriation and for considering those comments.

How process established (sic)

(2) The Minister **may** establish the process by regulation or by another means.

Community Consultation



RELIEF LINE

Time



- Bill 171 proposes a rushed process
- Proposing a plan that is not well considered or consulted upon
- Long term negative impacts on communities
- You will all be long gone but the consequences of your decisions will last for generations
- Short term gain for long term pain

Community Consultation and Impact

Kate and Bob

My neighbours are concerned over:

- Expropriation
- Their retirement from the decreased value of their house
- What will happen with Pape Ave School and daycare?
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A photograph of a garden bed. On the left, there are clusters of white and red flowers. A large grey rock is in the upper center. A blue circle highlights a dark, mulched area on the right, containing some small pink and white flowers. A piece of driftwood lies horizontally across the right side. The bottom of the image shows more grey rocks.

Kate's Garden



What I want to see happen:

- Work with Communities: establish working groups with local stakeholders who have a say in decisions
- Work with residents, businesses and municipalities
- Ensure the best routes are chosen and environmental assessment are completed before construction begins
- Ensure construction disruption and noise are minimized
- Ensure businesses are compensated for damages
- Ensure that there is a legal body for citizens to raise their concerns over expropriations

As a government, how do you
want to be remembered?

Italian Leader Benito Mussolini
is credited with making the
trains in his country run on time
But at what cost to democracy?



“To provide flexibility, the proposed regulation will have a process to permit early works to proceed to construction before the completion of the draft Environmental Impact Assessment Report”

“Preliminary activities could include:

- station modifications
- bridge replacement and/or expansions
- rail corridor expansion
- utility relocations”