

Authority: Planning and Housing Committee Item PH31.1,
as adopted by City of Toronto Council on March 9, 2022

CITY OF TORONTO

BY-LAW 209-2022

To adopt Amendment 536 to the Official Plan of the City of Toronto with respect to Rail Infrastructure and Public Safety.

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided information to the public, held a public meeting in accordance with Section 17 of the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 536 to the Official Plan of the City of Toronto is hereby adopted.

Enacted and passed on March 9, 2022.

Frances Nunziata,
Speaker

John D. Elvidge
City Clerk

(Seal of the City)

AMENDMENT 536 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

The following unshaded text, policies and schedule constitute Amendment 536 to the Official Plan for the City of Toronto:

1. Section 3, BUILDING A SUCCESSFUL CITY, is amended by adding a new Section 3.6, Rail Infrastructure and Public Safety as follows:

3.6 Rail Facilities and Public Safety (*unshaded text*)

Transportation of people and goods by rail continues to be an important component of the transportation network that supports Toronto's economic health. It is the City's responsibility to balance the interests of protecting public health, transportation corridors, and the viability of transportation corridors, while supporting intensification.

When new development proposes to introduce new or intensified land uses in proximity to rail facilities, risk is introduced to both the users of the development and the rail facilities. For the purpose of this Plan, rail facilities are rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

Because development sites near rail facilities can vary in size, orientation to rail facilities and/or proposed land uses, proponents shall design solutions tailored to the applicable unique local context, which may include the appropriate separation of uses from rail facilities and the provision and construction of risk mitigation design solutions on site such as crash walls or structures.

Policies

1. A complete application to introduce, develop or intensify land uses within the area of influence of rail, will be required to submit a Rail Safety and Risk Mitigation Report, following Terms of Reference specified by the City, which will be subject to a third party peer review retained on behalf of the City at the applicant's expense.
2. If the Rail Safety and Risk Mitigation Report is accepted by the City and reviewed by the applicable rail operator, and the proposal is approved:
 - (a) construction, ongoing maintenance, and replacement, as deemed necessary, of the alternative mitigation measure will be secured through an agreement between the City and the landowner;
 - (b) warning clauses in all relevant documents should be registered on title to provide notice for future purchasers; and
 - (c) the landowner will enter into an agreement with the City to be registered on title, whereby the landowner and the qualified professional engineer whose stamp appears on the drawings for the alternative rail safety mitigation measures assume responsibility

for, and indemnify the City from, damages to persons and property resulting from a derailment on the rail corridor.

3. Schedule 3, Application Requirements is amended by adding the following additional requirement of the Official Plan:

ADDITIONAL REQUIREMENTS of the OFFICIAL PLAN	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control Approval
Rail Safety and Risk Mitigation Report: for all properties abutting rail facilities, a Rail Safety and Risk Mitigation Report (RSRM) and peer review is required. The RSRM Report will be evaluated against the criteria established in the Rail Association of Canada/Federation of Canadian Municipalities Guidelines for New Development in Proximity to Railway Operations, and as set out in Section 3.6 of this Plan.	●	●	●			●