

Report back on Accessing Justice – New Toronto Courthouses

Date: May 17, 2021

To: Executive Committee

From: City Manager and Deputy City Manager, Community and Social Services

Wards: All

SUMMARY

This report responds to City Council's request for the City Manager, in consultation with the City Solicitor, to report to the Executive Committee by June 1, 2021 on the impacts of the closure of local court houses, such report to include how the court amalgamation will impact local businesses and access to justice for those living with disabilities.

RECOMMENDATIONS

The City Manager and Deputy City Manager, Community and Social Services recommend that:

1. Executive Committee receive this report for information.

FINANCIAL IMPACT

The recommendations contained in this report have no financial impact. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council on May 5, 2021 adopted recommendations for MM32.10 Accessing Justice – New Toronto Courthouses.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.MM32.10>

City Council on January 31 and February 1, 2021 adopted recommendations for EX30.8 Old City Hall – Future Uses and Tenant Options.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX30.8>

City Council on July 4, 2017 approved recommendations for MM31.43 Allocation of Section 37 Funds from the Development at 456-456 Young Street for Streetscape Improvements and Other Matters Relating to the Development of the New Provincial Courthouse at 11-33 Centre Avenue and 80 Chestnut Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM31.43>

City Council on July 12, 2016 adopted recommendation for TE.17.12 Final Report – 11 and 23 Centre Avenue and 80 Chestnut Street – Zoning Amendment.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.12>

City Council on November 3 and 4, 2015, adopted recommendations for GM 7.5 Old City Hall – Future Tenant Options.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.GM7.5>

City Council on May 17, 18 and 19, 2011 adopted recommendations for GM 3.17 Old City Hall – Future Uses.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM3.17>

City Council on May 26 and 27, 2008, adopted recommendations for GM 14.9 Lease Extension for Old City Hall to Her Majesty the Queen in Right of Ontario as Represented by the Minister of Public Infrastructure Renewal.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.GM14.9>

COMMENTS

The New Toronto Courthouse is a major Provincial investment in Provincial infrastructure led by Infrastructure Ontario on behalf of the Ministry of the Attorney General. An Infrastructure Ontario news release indicates the value of the project is approximately \$956.4 million (see <https://www.infrastructureontario.ca/Financial-Close-New-Toronto-Courthouse/>). The New Toronto Courthouse will amalgamate six Ontario Court of Justice criminal courts administered by the Province into a single location on a provincially-owned site at 11 Centre Avenue in downtown Toronto, immediately north of the Ontario Superior Court of Justice at 361 University Avenue.

City Council approved the zoning by-law amendments to permit the New Toronto Courthouse on July 12, 2016 and on July 4, 2017 allocated Section 37 funds for streetscape improvements and other matters related to the development of the New Provincial Courthouse.

The Province awarded a fixed-price contract to design, build, finance and maintain the new Toronto Court house to EllisDon Infrastructure in February 2018. The published anticipated substantial completion date is spring 2022.

As a result of City Council's previous decisions in relation to the New Toronto Courthouse, including providing the required zoning approval for the project, and City Council's decisions with respect to the current existing lease with the Province for Old City Hall, the City Solicitor has advised that she will be exercising her discretion to not

send a letter to the Attorney General as requested at the meeting of City Council on May 5, 2021.

Economic Impact

Site specific – direct and indirect -- impacts on local businesses related to the closure of the six courthouses will largely be a function of three factors: the degree of employment and foot traffic at the facilities themselves; the extent of business activity and employment in the area nearby the courthouses; and the longer-term use or redevelopment of the vacated sites.

The degree of foot traffic (and associated business activity) at a given courthouse is linked in part to the number of cases administered in that location. In 2019, a total of 40,745 new criminal charges were filed with the provincially administered Ontario Court of Justice criminal courts in Toronto. In 2020, a total of 31,265 new criminal charges were filed with the criminal courts in Toronto as outlined in the table below.

Ontario Court of Justice Criminal Court Location	New Criminal Charges filed in 2019	New Criminal Charges filed in 2020
1000 Finch Avenue West	6,700	5,279
2201 Finch Avenue West	6,448	4,936
1911 Eglinton Avenue East	8,111	6,045
311 Jarvis Street	971	476
College Park, 444 Yonge Street	6,896	5,797
Old City Hall, 60 Queen Street West	11,619	8,732
Total New Charges	40,745	31,265

<https://www.ontariocourts.ca/ocj/stats-crim/>

The impact on local business near the 311 Jarvis Street, 444 Yonge Street (College Park), and 60 Queen Street West court houses is anticipated to be negligible given the high concentration of other employers, businesses, students, tourists and residents in these downtown areas.

The courthouse at 1000 Finch Avenue West is located in the Duke Heights Business Improvement Area, which includes 2500 businesses employing approximately 31,000 people. It is anticipated that the closure and attendant drop in foot traffic will have some impact on certain nearby retail and restaurant establishments in the short-term, albeit moderated by the presence of other employers and businesses in the area. The quantum and direction of longer-term impacts will depend on how – and how quickly - the vacated space is repurposed and/or re-developed.

The 2201 Finch Ave West Courthouse is situated close to the Emery Village BIA, which includes over 3,200 commercial, industrial and retail establishments employing approximately 28,000 people. This courthouse will act as the new Bail Centre. The Toronto Region bail centre (TRBC) project involves the renovation/modification of the existing, leased courthouse building at 2201 Finch Avenue West to accommodate all adult bail operations as well as weekend and statutory holiday (WASH) court bail matters) once the New Toronto Courthouse opens in 2022. Renovation and retrofit of some spaces are required and once completed, the courthouse will operate as a functional regional bail centre. It is anticipated that during the renovation phase and attendant drop in foot traffic will have some impact on certain nearby retail and restaurant establishments in the short-term, albeit moderated by the presence of other employers and businesses in the area. The quantum and direction of longer-term impacts will depend on how – and how quickly - the TRBC will become fully functional.

The 1911 Eglinton Ave East courthouse is in the Golden Mile area, which is undergoing re-development and mixed-use intensification linked to the new Eglinton Crosstown LRT project. It is anticipated that the closure and attendant drop in foot traffic will have some impact on certain nearby retail and restaurant establishments in the short-term, albeit moderated by the presence of other employers and businesses in the area. The quantum and direction of longer-term impacts will be dependent on how – and how quickly - the vacated space is repurposed and/or re-developed, as well as the broader pace and direction of the Golden Mile redevelopment.

At the time of this report, information is not available on the future status of the existing Ontario Court of Justice criminal courts locations across the City with the exception of Old City Hall and 2201 Finch Avenue West.

Old City Hall is a City owned facility with established lease agreement with the Province of Ontario for Ontario Court of Justice criminal courts. In 2008, City Council directed that the Province of Ontario (Provincial Courts) be given notice that their lease of OCH for court uses would be not be renewed. In 2011, City Council authorized the future uses of Old City Hall to include leasing space for commercial, institutional and government use, reserved courtyard area for Toronto Museum Project and to create public space within building to access the courtyard area.

Access to Justice

Accessibility for individuals with disabilities

As a provincial infrastructure project led by provincial ministries, the new courthouse will comply with, if not exceed the barrier-free and accessibly design requirements of the Ontario Building Code and Integrated Accessibility Standards Regulation under the Accessibility for Ontarians with Disabilities Act.

Courthouses currently provide accessibility support services and individual accommodations through accessibility coordinators. These accommodations and supports are based on individual need and are provided in compliance with the

requirement of the Ontario Human Rights Code and Integrated Accessibility Standards Regulation.

Accordingly, there are few barriers anticipated related to the physical site or accessing criminal court services by people with disabilities.

Potential barriers include:

- Increased travel time and associated cost. Dependant on individual circumstances, individuals may experience longer travel time and any associated costs this represents (e.g., increased cost for rideshare, attendant support costs). Public transit users, including Wheel Trans service users would continue to pay the same fare.

Access to Justice - Other Considerations

The Ontario Court of Justice criminal courts are solely administered by the Province's Ministry of the Attorney General. The Ontario Court of Justice has the sole authority for scheduling matters before the Court. The responsibility to ensure access to justice for criminal court matters lays with the Attorney General of Ontario and the Ontario Court of Justice.

Since the COVID-19 emergency started, the Attorney General and the Ontario Court of Justice has made more justice sector services available online including remote criminal court proceedings. This change permits individuals to participate in hearings without having to attend a court in person. This may have a positive impact on access to justice concerns.

The Ministry of Attorney General is leading the development of Justice Centres based on lessons learned from over 70 different communities around the world that have reduced crime rates and contributed to healthier and safer communities. Justice Centres move justice out of the traditional courtroom and into a community setting. The pilots will bring together justice, health, employment, education and social services to address the root causes of crime, break the cycle of offending, and improve community safety and community well-being.

As part of the development of Safe TO, the City's Community Safety and Wellbeing Plan, the Ministry of Attorney General is partnering with the City to develop two Justice Centre pilots.

1. The Downtown East Justice Centre pilot will focus on Toronto-Downtown East Justice Centre will address the cycle of offending for chronic offenders affected by mental health/addiction issues, concurrent disorders, poverty and homelessness. The pilot will focus on offences committed in 51 Division of Toronto Police Service that are processed at the College Park Court House.
2. The Toronto North West Justice Centre pilot will respond to young people 12-17 most vulnerable to crime and violence by reducing youth recidivism rates and risk factors for re-offending by providing Justice Navigation, Justice Education and positive alternatives to criminal activity. The Toronto Northwest pilot will have two areas of focus:
 - Enhanced first appearance for all youth

- Robbery Pilot

The City's support for Justice Centres is based on the need to provide enhanced local access to service for those engaged in the Justice System. This was validated by recent Justice Sector consultations for Safe TO.

The closure of courts within the community presents an opportunity to partner with the Ministry of Attorney General and build on a successful cross-government partnership to:

- Assess the feasibility of transforming the closing court houses to Community Spaces that expand the Justice Centre approach to Scarborough.
- Assess the viability of transforming these spaces to community spaces that provide community legal clinics, shared space for justice sector-serving community organizations, increased access to legal education, house pre-charge diversion and other necessary services.

The closure of regular operations of the 2201 Finch Avenue Courthouse, as part of the new Toronto Courthouse Plan the facility is expected to serve as a new Bail Centre of Excellence following renovations. This creates an extra layer of complexity given that the distance individuals will be expected to travel to attend the centre could impact their participation as well as create complex health and safety dynamics for those using the centre and surrounding community. Both factors could decrease accessibility which would result in individuals becoming further criminalized.

The 1000 Finch Avenue West, 2201 Finch Ave West and the 1911 Eglinton Ave East Courthouses mostly serve neighbourhoods impacted by socio-economic disadvantages which could negatively impact Black, Indigenous and racialized communities, low-income individuals and families, newcomer populations, women, 2SLGBTQ+ communities and those who experience disabilities.

Due to the inaccessibility of public transit, Black and other racialized communities could pay a disproportionately high cost of time and money to access the justice system when the New Toronto Courthouses become operational. This can also impact family support availability who may have difficulty making a court appearance given they will now likely have to take whole day off work to account for the increased travel time.

The lack of accessibility will also have adverse effects on things like daycare, school pick up and drop off for families with younger children as well as the increased costs of parking which could further create barriers to accessing justice services.

Indigenous, Black and racialized and low-income Torontonians have the most significant challenges accessing the justice system. This is due to cost, location, social alienation due to them being served by justice professionals that are overwhelmingly under-representative of the diversity of Toronto's populations. This is a large part of the reason that the provincial agency, Legal Aid Ontario initiated a Racialized Communities Strategy and ultimately released a Racialized Communities Action Plan in March 2020.¹ The City of Toronto should take this opportunity to align its supports and investments

¹ Legal Aid Ontario, Racialized Communities Action Plan: <https://www.legalaid.on.ca/wp-content/uploads/Objectives-of-LAOs-racialized-communities-action-plan-2020-EN.pdf>
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with the Racialized Communities Action Plan as it is the most current framework responsive to the access to justice needs of racialized Ontarians.

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