

Attachment 2 - Summary of Stakeholder Consultation #1 – September 2019 to August 2020

Internal Stakeholders Comments

	Comment	Response
Definitions		
	The terms: City, Corner Rounding, Letter of Acknowledgement of Filing a RSC, Operating Division, Peer Reviewer and Site Plan are used throughout the Policy and should be defined.	New definitions added
	Adverse Effect – should be explicitly defined, in accordance with the definition provided by the <i>Environmental Protection Act</i> , Provincial Policy Statement, or O. Reg. 153/04.	Language amended as per comment
	In Section 6.5.1.2, there is a reference "Risk Management Plan", please add definition in Definition section.	The reference to RMP has been removed, as the Risk-based Property Specific standards are already a defined term, this additional wording was redundant.
Environmental Site Assessment		
	<p>Why the change to policy 5.2.4 [in the 2015 Conveyance Policy] deleting the need to rehabilitate to the most stringent level taking into account adjacent properties? The Official Plan contains a policy 3.4.23 which states:</p> <p style="padding-left: 40px;"><i>23. Prior to development occurring on known or potentially contaminated sites, or on sites on or within 500 metres (or within a previously determined area of influence) of a known or suspected former waste disposal site, potential adverse impacts will be identified and assessed through a study, and any measures needed to remediate or mitigate the contamination will be identified and implemented.</i></p> <p>This policy is intended to highlight the need to think about adjacent properties when redeveloping sites. Under this redrafted policy, is the city satisfied that should a site that has been conveyed to the City be identified as the source of contamination on an adjacent site in the future, that the City's interests, and those of the adjacent properties have been addressed?</p>	<p>There is no increased liability associated with this decision as all property will be remediated to the appropriate intended land use standard, compliant with all legislation.</p> <p>Adjacent properties are still taken into account when a Phase I Environmental Site Assessment is performed in accordance with O. Reg. 153/04.</p> <p>What was amended in the Policy is the requirement to remediate the Conveyance Lands to a standard that is more stringent than what is required by the Ministry. The lands now are required to be remediated to their intended land use, so Parkland would still have to be compliant with RPI Standards or an Applicable Risk Assessment, however ROW would have to be remediated to an ICC Standards or an applicable Risk Assessment standard instead of requiring RPI standards for ROW when Residential property is adjacent to them.</p>

	Comment	Response
	Is there something inherent in the RSC process or our peer review process that address the liability and potential impacts on adjacent properties	
Risk Assessment		
	Section 5.5.5 and 5.5.6 are inconsistent in the definition of the approval authority: 5.5.5– "as negotiated by the applicant with the recipient City Division" and 5.5.6 – "to the satisfaction of the Executive Director". Can they all change to "to the satisfaction of the Executive Director and in consultation with recipient City Division(s) of the Conveyance Lands"?	Language in 5.5.5 amended as per comment. Language in 5.5.6 will not be amended as utility installation is under ECS purview
Peer Review		
	Need to clarify the wording in section 6.7 "...up to the latter of the time of transfer of ownership and/or operational control to the City." The requirements of the CPU need to be met before the lands are conveyed and not before the roads are assumed (operational control). The requirements, include QP statement, reliance, As-built drawings all the relevant documents.	Language has been amended to provide greater clarity on requirements outlined in this clause.
Exemptions		
	In Section 5.2 on Exemptions (if not elsewhere in the policy) there are area references to 100 or 12.5 'metres squared'. While perhaps not stated incorrectly technically, this wording does create some ambiguity; that is, do those references actually mean areas of 10,000 or 156.26 square metres? I suggest for clarity and greater certainty that such references should actually read either square metres or the commonly used m ² .	Language amended as per comment
	a) What is the rationale for the exemption of lands for less than or equal 100 sq m? Why use 100 sq m as the threshold value? b) What is the rationale for the exemption of lands greater 100 sq m and less than and equal to 1 metre? c) What is the rationale for the exemption of lands for ROW corner rounding under 12.5 sq m? Why decide to use 12.5 sq m as the threshold value? d) What is the rationale for the exemption of lands with a width less than and equal to 1 metre?	a) Small, former RPI exemption, effective as of 2004 - This exemption applies to lands with a previous use of RPI only. Less than 100 m ² was deemed small enough to not pose a significant risk to the City, given the previous low-risk use and to make the process of conveying these parcels less onerous. b) and d) Less than one metre wide exemption, effective as of 2007 - this exemption applies to former RPI uses which exceed the 100 m ² exception discussed in a) and to former ICC uses of any size . If the parcel is less than a metre wide, it is considered impractical to perform any kind of drilling to obtain soil and

	Comment	Response
	<p>e) Did MECP comment on the exemption of less than 12.5 sq m corner rounding; Also did MECP comment on the exemption of less than 1m width ROW?</p>	<p>groundwater testing results reflective of the condition of that parcel, hence the 1 m width exemption for these sites.</p> <p>c) The new proposed exemption regarding corner roundings that are less than 12.5 m² is meant to capture most corner roundings, as consulted with TS. These have proven problematic in the past, as their small size and often narrow and irregular widths have made them difficult to categorize in an existing exemption category, hence the new category.</p> <p>e) No comments were provided from the MECP with regards to the stated exemptions. These do not fall under MECP jurisdiction, as all exemptions outlined in the Policy are only applicable to the City's Peer Review Process for Consent and Site Plan applications only.</p>
	<p>For clarity, we recommend the wording of Section 5.1.5 be revised (now section 5.2.1):</p> <p>5.1.5 The following criteria must be met to qualify a <u>For a</u> Conveyance Land parcel <u>to qualify</u> for an exemption from this policy (as summarized in Table 1 of this policy), <u>the following criteria must be met:</u></p>	<p>Language amended as per comment.</p>
Table Revisions		
	<p>Do you mean Consent Agreement? Can it be other agreements?</p> <p>Is the consent agreement considered to be "applicable law" which means Building WILL therefore respect the terms of the agreement and will not issue the Building Permit?</p>	<p>Language amended to be more specific to Consent Agreements.</p> <p>Regarding second point, we cannot comment on Toronto Buildings' interpretation/ actions.</p>
	<p>Prior to condo [registration] appears to be a slippery slope as it will be too late and the building will be fully occupied.</p> <p>We recommend a bit more conditions and guidance as "rare cases" are not defined.</p>	<p>The table is not meant to be prescriptive in the timing requirements. Wording in footnote amended to reflect the fact that this column references the typical / expected timing of land conveyance. Ultimately, conveyance is the responsibility of the commenting Case Manager from the receiving Division</p>
	<p>As discussed, we understand that for consents and also for site plans, when it is a corner rounding, then this applies.</p>	<p>That is correct, it does not apply to Subdivision Applications, but to the other two types.</p>

	Comment	Response
	Do you mean Schedule B of the subdivision agreement?	Yes. Language amended for clarity.
	<p>[Note: 3] Is this [reference to] the [City's] template letter?</p> <p>[Note: 4] Typo: conjunction?</p> <p>[Note: 5] Is the deviation referring to delaying the timing to "prior to condo" or do you mean something else?</p>	<p>3: Preliminary Statement Letter has been specified.</p> <p>4: Language amended as per comment</p> <p>5: See response above</p>
	<p>On Table 1 relating to Consents [2nd Row, Column 4], under the 'Scenario Where' column, 'infrastructure' is misspelled and I think the sentence should end there (with the following 'to the' deleted).</p> <p>Under the next 'Timing' column, [2nd Row, Column 5], I think something's missing between 'no' and 'Agreement'. Should this read 'no Consent Agreement' (or reference to whatever 'Agreement' is meant here)?</p>	Language amended as per comment
	For Site Plans under 'Authority', the correct "bump up" reference is to City Council.	Language amended as per comment
Other		
	<p>There are circumstances where the City of Toronto may acquire lands that the Toronto and Region Conservation Authority (TRCA) has requested be conveyed to public ownership in the agency's review of a <i>Planning Act</i> application.</p> <p>In these circumstances, it is not always clear if the landowner is required to submit Phase I and II ESA to both the City and TRCA.</p> <p>To avoid redundancies, updating the policy may be opportunity to clarify that the City will require and/or review Phase I and II ESAs in circumstances where lands may be required for conveyance to public ownership by the TRCA. This comment, if applicable, may be included under Section [new section 5.2] 5.4.5 (Exemptions)</p>	The TRCA is not a reviewer under the Conveyance Policy as they are a separate and distinct agency apart from the City with their own policies and procedures and, as such, the City's Conveyance Policy does not apply. The scenario of TRCA regulated lands being 'transferred' to the City as described is a land transaction outside of the development application (and not a land conveyance under the Planning Act) and therefore not governed by the Conveyance Policy.
	As the policy document relies heavily on compliance with Ontario Regulation 154/03, Record of Site Condition, it is appropriate to reference this in the introductory statement. Following 1.1, we recommend the wording that states... "These policies were developed in consideration of the definitions, guidance and recommendations associated with contaminated sites and land use	This statement is meant to be a broad statement of intent/direction, and will not be amended at this time. Although this Policy does rely heavily on compliance or alignment with O. Reg. 153/04, as stated in several clauses, it is not the only regulatory or City requirement that is mentioned in the Policy.

	Comment	Response
	planning in Ontario and as detailed in the Environmental Protection Act, 1990, and Ontario Regulation 153/04, as amended	
	The draft policy appears silent on whether/when/if/how strata conveyances might be considered, or conversely any clear statement that such is not an option. To provide greater clarity and certainty to both staff and the public, should some language should be introduced in the policy that would do so?	The Ministry currently does not issue stratified Certificates of Property Use, therefore ongoing/ long-term environmental obligations fall on owners of all strata in a vertical column equally. Because of this, stratified conveyances must meet the same requirements as non-stratified conveyances, and additional language to address them is not necessary in the Policy at this time. Internal Directives will be revised to address them and to clarify this point for internal purposes only
	<p>We understand Transportation Services would like to collect certain fees to perform the annual inspection on the integrity of the cap (5.5.3.2). TCHC has challenged the fees which Transportation Services wished to collect for Queens Wharf Road.</p> <p>The fee structure or the need to collect certain fees should be mentioned.</p>	Cost recovery options will be discussed with divisions that are impacted by ongoing environmental costs due to receipt of conveyance lands encumbered by a Certificate of Property Use.
	<p>The policy appears silent regarding who hires the Peer Reviewer, and who the applicant or City staff is required to contact to provide the submitted materials to the peer reviewer. Or how the cost of the peer reviewer will be determined or when this cost will be shared or when it will be paid by the applicant.</p> <p>It is clear the applicant is to pay. Should we include more direction regarding the peer review process?</p>	<p>The Peer Review Process is clearly outlined in two Engineering Review (ECS) Directives, which are internal procedure documents. If there is a need to develop something similar for Parks staff for their internal use, which can be further discussed. Generally the Policy is meant to describe the process at a higher level and lock into place certain environmental requirements, without being overly prescriptive. This allows staff the flexibility to make amendments to internal documents as the need arises as long as they are still compliant with the main tenets of the Policy.</p> <p>Regarding cost recovery, the Applicant is wholly responsible for the cost of the peer review.</p>
	<p>Cost defined in the proposed policy is only for the cost of peer review. Need clarification of cost recovery mechanism for managing the CPU and land conveyance among the City stakeholders (different divisions)</p> <p>ECS: 7% is charged on the overall cost to undertake a peer review of environmental site assessment reports submitted by developers</p> <p>TS: Did not find cost sharing info related to environmental assessment under TS category. Each of the involved divisions need to be informed and define the cost recovery mechanism. Include a recommendation in the council report that staff need to evaluate the cost associated with managing lands with</p>	<p>Each division is responsible for how they recover operational costs. Inclusion of cost recovery is beyond the scope of the policy.</p> <p>Cost recovery has not been included in the policy as any changes to the fee structure would require City Council approval for changes.</p>

	Comment	Response
	<p>CPUs. Some of the cost recovery that Transportation Services will be seeking are as follows:</p> <p>a) Cost to develop BIP, SMP and HASP;</p> <p>b) Cost of performing bi-annual barrier inspections and Annual Reports</p> <p>Administrative cost of managing breaches to the barrier (permit and utility cuts and construction activity and reviewing associated reports)</p>	
	<p>Based on the discussion about Section 5.5.5 and 5.5.6 regarding "fill cap thickness on Conveyance Lands must be at least 1.5 metres, the consensus of the group was NOT to add "applicable City's standards" into the policy.</p> <p>ECS needs to inform the stakeholders that the "applicable City's standards", such as "Clean Fill Requirements for Contaminated Lands Typical Street" (0.5m for hard cap, and 1.5m for un-impacted fill below hard cap) apply to the ROW.</p>	<p>This is an operational/ communication item for ECS to address, no policy revision based on this comment will be made.</p>
	<p>Recommend a minimum width or some sort of guide or at least a minimum width.</p>	<p>The Policy will not prescribe utility and service construction standards. We understand BIS in ESC is currently working on updating standard construction drawings in consultation with other Divisions.</p>
	<p>We should consider adding "must" in this section. Conveyance Lands <i>must</i> meet either.</p>	<p>It is the Applicant's QP who has to make the statement as to which set of standards apply, the City cannot impose that onto the QP.</p>
	<p>For Metrolinx and TTC projects, there will not be any "Site Plan Agreements". Therefore, it appears that the revised policy will not apply to transit related projects? We would appreciate some help or directions on our transit related projects as there are numerous transit projects in the pipeline. Leaving it up to Real Estates did not seem to work out too good in the past.</p>	<p>The Policy applies only to applications made under the Planning Act. The intent of the Policy as well as due diligence environmental requirements have been applied to other types of land transactions in the past.</p>
	<p>Community Planners frequently encounter conveyancing and potential contamination issues associated with planning applications under City review.</p> <p>Individual skill sets and familiarity with the details of related policies and processes, both at the City and MECP levels, however, do vary widely.</p> <p>Many staff will typically defer to the greater expertise of our colleagues in Parks and E&CS, including the Soils and Groundwater Quality Unit, who are more frequently and directly</p>	<p>Training sessions are planned once the Policy is approved by Council. They will be available to all staff who have involvement with land conveyances through this Policy.</p>

	Comment	Response
	involved with peer reviews, etc. relating to road and park conveyances. Nonetheless, Community Planners are responsible for managing clearances on all conveyance conditions required under site plan and consent approvals particularly, so it is important that all Community Planners have a basic understanding of the processes and documentation involved.	
	Under Section 2 - Objective and Purpose, it states the policies are established to ensure alignment with the City's programs and services. What is the City's policy in circumstances where an ESA reveals a site has contaminates as well as materials of archaeological potential? If this occurs on lands intended to be conveyed as parkland, is there flexibility with respect to the standards of remediation or acceptance of potentially contaminated lands? What is the process in these circumstances? It may be worthwhile to consider how this matter is addressed or referenced accordingly in the document under the appropriate section.	Archaeological matters are not addressed under the Policy as they are not within the City's jurisdiction, and provincial processes are already in place to deal with these matters. Archaeological matters will not be addressed in this Policy.
	Insert additional Clause stating that the City may seek to enter into a separate RMM agreement requesting that the applicant meet the RMM requirements identified in the CPU, such as barrier inspection and Annual Report.	This is already addressed in section 6.7 of the Policy, the intent is to obligate the applicant through the corresponding development agreement, and not have to enter into a separate one.

External Stakeholders Comments

	Comment	Response
Definitions		
	We are interested in confirming that the definition includes City stratified ownership and ABCCs. In reviewing the City website on City public land, public property includes land owned by TRCA and Agencies, Boards, Commissions and Corporations (ABCC). Of note, is that TCHC is listed as private. Could the City clarify land owned by the City?	Land owned by the City would also include the ABCCs and stratified ownership and the ownership would only extend to the rights the City has. The question is somewhat unclear, as the City may dissolve any of the ABCCs and therefore that land would be in full control of the City. I am not sure why they would be excluded. Definition has been expanded to say "lands owned by or within control of the City, including local boards and agencies as defined in COTA". (Note: TRCA is not a City Board or Agency)
	Definitions of Granular Fill and Risk-Based Standards should be clarified and made consistent. CBN agrees that granular fill should meet applicable risk- based standards	Term has been amended from Granular Fill to Granular Material. Definition has been amended to be more general in that material is to be "deemed suitable by the applicant's QP" and the City.

	Comment	Response
	with may mean environmental quality comparable to the PSSs defined in an RA. (see comment re section 4.19 below)	
	The defined term for “Peer Review Process” refers to the “typical” third party document review process. This definition is overly vague. “Typical” should be deleted and replaced with a review process to be conducted by a Qualified Person in accordance with generally accepted practices in Ontario for such third party document reviews.	'Typical' was deleted as per the comment. The definition was not amended otherwise. This is a process curated by the City of Toronto for the City's purposes, therefore the rest of the definition is accurate.
	Often, two (or more) sets of risk-based standards are evolved in an RA. Typically, this can include: 1) the PSSs which are usually based on the maximum observed concentrations (+20%) at the Site and are protective of site receptors only if applied with Risk Management; and 2) the cap standards which are evolved as part of the Risk Management Plan and are developed to be protective of site receptors if applied at surface. The Granular Fill definition should align with the definition of Risk-based Site Specific Standards.	The term has been amended to be "Risk-based Property Specific Standards". The "Granular Material" definition has been amended to be more general and align better with this definition.
	<p>Definition of Un-impacted Material has been revised to limit soil material to soils meeting Full Depth/Generic Standards only, therefore excluding soils meeting stratified generic or risk-based site specific standards for capping. It is noted that the definition for Granular Fill – which can be un-impacted material – includes material that also meets Stratified or Risk-Based Site-Specific Standards so the change is inconsistent from material to material.</p> <p>Definition of un-impacted material should be expanded to include soil that meets Stratified or Risk-Based Site-Specific Standards, specifically Risk-Based standards developed to be protective when applied at surface. These standards would be appropriate for un-impacted fill caps and utility trenches.</p>	Definition has been amended to include applicable Site Condition Standards which include Risk-based Property Specific Standards
	The term Development Site was not included in the last version of the Policy, and has not been defined in this version. It is unclear if this term is to reference the entire property that may be the Site of interest (i.e. subject property Site Plan Approval or Subdivision Application) within which the Conveyance Lands originate, or just the	Definition added. Development Site would include all lands that are to be developed and/or subject to the development application under the Planning Act, not just the lands to be conveyed to the City.

	Comment	Response
	Conveyance Lands themselves. A definition should be included to provide clarity.	
Environmental Site Assessment		
	Imported soil restricted to 'per BMP, law or regulation'. Expansion to include By-laws, and provincial legal instruments would be consistent with the BMP.	Language has been amended to be compliant with current provincial legislative requirements.
	Given that the majority of section 5.5 of the Policy refers to risk assessment, we interpret that the section requiring compliance is section 5.5.6 which requires a corridor of un-impacted material around utilities deeper than 1.5m. We interpret that section 5.5.5 regarding fill cap thickness does not apply since the surface/subsurface stratified standards would already correlate to the required 1.5m fill cap thickness. For clarity, the reference to section 5.5 should be amended to refer to section 5.5.6 of the Policy.	The wording has been amended to refer to s. 5.5.6.
	Review and consider the costs associated with remediation (dig and dump) of "private" salt-impacted soils to enable conveyance to the City for a public road allowance, which will be subject to future "public" salting	The proposed inclusion of stratified standards (Tables 4 and 5) should reduce the costs associated with this type of remediation.
Risk Assessment		
	In practice, the requirement for additional RMM for a private utility over and above the 1.5 m cap does not apply. Section 5.5.6 speaks to the clean corridor requirement for all new or replaced services and utilities. Clarity should be provided consistent with implementation that the clean corridor is only required for public utilities.	The clean corridor will continue to be a requirement for any services and utilities installed below the 1.5 un-impacted material cap, and consistent with any City ROW construction standards.
	Is there a provision for situations where Conveyance Lands are not subject to RSC (per Table 1), but meet property-specific standards derived through a Ministry-approved RA? Current language suggests CPU conditions are only acceptable where Conveyance Lands are subject to an RSC.	Wording has been amended to account for this scenario by removing reference to "Record of Site Condition" and adding reference to a "Ministry-approved" Risk Assessment instead
	Section 5.5.4.1 the use of special personal protection equipment such as suits, gloves and boots that are chemically resistant; special respiratory masks; contained breathing apparatus. We could understand the suits, the special respiratory masks and contained breathing apparatus as these are unusual requirements for a standard Tier 3 RA and would be classified as special personal protection equipment, but gloves and boots that are chemically resistant are standard health and safety requirements for workers at any RA property that has elevated levels of VOCs in soils or	Wording has been amended to remove reference to "gloves, boots that are chemically resistant". Also, please see above response regarding adding reference to a RMP in s.5.5.3 and s.5.5.4.

	Comment	Response
	<p>groundwater and are standard health and safety requirements at this Ministry when we do site visits. I understand that the extra fill cap requirements that the City imposes around their services might protect the workers, but if the workers do come into contact with any site soils they will still need chemical resistant gloves and boots as a minimum requirement in most Tier 3 RAs. We have come across several instances where the QP and developer didn't want to include these health and safety plans as part of the conveyance lands going to the City which defeats the purpose of the RA to protect workers, the public and environment because it would expose City Workers to unknown risks if the health and safety plans were not a requirement of the Certificate of Property Use and risk management plan. Most of these health and safety details (specific equipment) are not listed in the Certificate of Property Use itself, but are part of the risk management plan and it is quite possible that many past land conveyances to the City that included a Tier 3 RA and CPU probably had these requirements (gloves and boots that are chemically resistant) as part of any future health and safety plans where workers had the potential to be directly exposed to the RA property's site soils?</p>	
	<p>The MECP is requiring ongoing monitoring and reporting requirements in CPUs in nearly all Tier 3 Risks Assessments in Toronto as a matter of course. The City's refusal to accept Conveyance Lands with CPUs containing such ongoing requirements is effectively prohibiting Conveyance Lands from being risk assessed. We respectfully submit that this current inflexibility is a key regulatory barrier to the redevelopment of brownfields in Toronto.</p> <p>For example, many redevelopment sites across Toronto are impacted by deep (often regional) groundwater impacts. It is often not commercially reasonable to remediate these deep impacts to generic standards. As a result, the shallow groundwater impacts are often remediated to generic standards and the deeper impacts are often addressed by way of a risk assessment. By refusing to accept Conveyance Lands with CPU requirements to address the ongoing monitoring of the deep impacts, the City is potentially sterilizing parcels of land that could otherwise be used for community centres and/or parks. In our view, the City can reasonably protect itself by ensuring that there is</p>	<p>Given that the MECP direction is to require ongoing monitoring and reporting requirements for undefined, and sometimes perpetual, periods of time, the City's position has not changed since 2015 when the original Policy was approved by Council. The City, as a public entity, is not in a financial position to accept risk management measures on conveyance lands that are difficult to quantify in time, scope of work and therefore cost (such as groundwater and soil vapour monitoring and reporting). The City has defined risk management measures which it finds acceptable such as the use of standard personal protective equipment and inspection and reporting on surface caps. The City has the resources necessary to comply with these types of risk management measures; they pose a relatively small financial and regulatory risk compared to the RMMs that are not acceptable.</p> <p>It is therefore difficult to enter into contractual arrangements or accept financial assurance from a third party when the long-term cost and risk is unknown due to a perpetual legislative requirement.</p> <p>As to the second point, as far as the City is aware, the MECP will not issue two legally separate CPUs for a vertical column. Until</p>

	Comment	Response
	<p>adequate financial assurance in place with the MECP to address any such CPU requirements. Further, the City could enter into indemnity agreements with the developer to conduct the requisite monitoring/ reporting (backstopped by the financial assurance).</p> <p>Further, in the event that the City is not willing to rely solely on financial assurances and/or contractual arrangements in these situations, developers had proposed horizontal severances with two separate CPUs for the vertical column. One CPU, if required, would be for the upper strata (i.e., the City lands, which would be “clean”) and one CPU would attach to the lower strata (which would not be owned by the City). This approach would mean that there would be no risk management measures for ongoing groundwater or soil vapour monitoring/reporting of the City lands. While the City had been generally agreeable with this approach (i.e., a separate CPU for the upper strata), the MECP in Toronto will not issue two CPUs for a vertical column. As a result, the Policy continues to effectively sterilize lands that could be better used for much needed city building. Over the next decade, it is our view that these “strata” parks or community centres could facilitate healthy neighbourhoods in increasingly intensified communities.</p> <p>Given the MECP’s position, we would recommend that the City consider, at a minimum, amending its prohibition in section 5.5.4.2 to clarify as follows: “ongoing groundwater or soil vapour monitoring and reporting requirements that require ongoing groundwater or soil vapour monitoring of the Conveyance Lands. For greater certainty, this Section 5.5.4.2 in no way prohibits the City from accepting Certificate of Property Use conditions that may require ongoing groundwater or soil vapour monitoring and reporting requirements of a lower strata parcel that is not being conveyed to the City of Toronto pursuant to this policy.”</p> <p>Furthermore, in addition to ongoing groundwater and soil vapour monitoring, there are instances where passive risk management measures may be desirable, potentially even as contingency measures. Providing the land owner can provide financial assurance, these may be worthwhile opportunities for City consideration and a Policy that restricts these options restricts innovation.</p>	<p>such time that arrangements of this nature become part of the legislative instrument toolkit, and can be further reviewed, the City is not prepared to take on conveyance lands with CPU obligations above and beyond those outlined in this Policy.</p>

	Comment	Response
	Consider changing the language of ... 5.5.4 to allow for a CPU to be in place where obligations do not fall on the City as part of conveyance	Please see the above response.
	Consider evaluating appropriate RMMs on a case-by-case basis in light of the Ministry's direction to require ongoing monitoring (especially in cases where monitoring is required in the non-conveyance stratum for stratified conveyances)	Please see the above response.
	Most CPUs restrict land use in some way. This clause should be re-evaluated to consider the unintended consequences and the difficulty in City Peer Review in validating that there is no restricted land use	If it is unclear as to whether a CPU condition will infringe on this section, the Peer Reviewer will consult with the City to ensure that is not the case. The term 'intended use' in this section refers to the potential to limitations within the City's purposes and can be clarified.
	<p>The language suggests that hard caps would not be required to have a 1.5 m thickness. If the intent is that all conveyances must have at least 1.5m un- impacted from the surface, regardless of surface treatment (presence of hard cap), then clarity is needed. Also, per the comment regarding section 4.23 above, if there is any intent to allow fill-cap standards developed in an RA and accepted by the Director to be used in the cap (i.e., as part of the un-impacted material), then this needs to be further clarified as well.</p> <p>MECP CPU often provide for access restriction conditions where a 1.5 m cap cannot be installed. This provision for access restriction should be incorporated into the City Policy.</p>	<p>Wording has been amended to reference both hard cap and Un-impacted Material as part of the combined 1.5 m cap. Please see response regarding s. 4.24 "Un-impacted Material Definition".</p> <p>Language has been amended to account for situations where access restrictions prevent the cap from being installed to the full 1.5 meter depth.</p>
	Policy provides no flexibility for situations where 1.5m fill cap would result in destroying existing mature vegetation, or would cause other issues with regards to grading. City Staff and Peer Reviewer should be empowered to exercise professional judgment to the benefit of the City's broader objectives.	Language has been amended to account for situations where access restrictions prevent the cap from being installed to the full 1.5 meter depth
	Seems a bit onerous for developers and overly conservative since the purpose of the cap is to protect the general public and those without PPE from exposure. Suggest that construction in slightly impacted material, below the 1.5m un-impacted cap, be allowed provided that RA demonstrates that exposure risks to workers can be mitigated through use of standard PPE.	A clean corridor will continue to be a requirement for constructing utilities and services below the 1.5 m un-impacted fill cap, and is to be carried out in accordance with all city standards.
		Ministry approval of a Risk assessment is required under s. 6.5.1.2 and has been added, for clarity to s. 5.5.3 and 5.5.4.

	Comment	Response
	<p>In the absence of an RSC requirement, there is no requirement for an evaluation of risk-based standards to have Ministry review. The Peer Review process could provide the City with comfort that the risk assessment is adequately completed, and could result in risk-based standards with appropriate risk management measures that could be managed by the City more effectively in the absence of the administrative burden of a CPU.</p> <p>At minimum, the Modified Generic Risk Assessment (MGRAs) offers a low-risk management option through the Modified Ecological Protection (MEP) modifier. The use of this modifier provides assurance that the resulting property-specific standard is protective of human health, while simply acknowledging a reduced level of protection for ecological receptors that in many cases would be more applicable in urban environments. There is no associated RMM for this option, and it allows for modified standards for many ubiquitous urban fill contaminants. Acceptance of this MEP-modified property specific standard in the absence of a full Ministry-approved MGRAs would alleviate many unnecessary remediations being undertaken in the City today for Conveyance Lands without affecting risk to worker or public health.</p>	<p>At this time, the Peer Review Process and associated contracts do not include a detailed review of any type of Risk Assessments. Doing so would increase review costs.</p> <p>The City will have to undertake further review and evaluation of the proposed option to accept MEP-modified property specific standard in the absence of a full Ministry-approved MGRAs. At this time, the requirement for all Risk Assessments to be Ministry-reviewed will be left in place.</p>
	<p>Removing the requirement to complete Ministry-approved Risk Assessments (which comes with a CPU and associated Risk Management Measure obligations) especially when there is no provincial requirement to do so, and no adverse effects agreed upon between Qualified Persons</p>	<p>Please see the above response.</p>
Peer Review		
	<p>Peer Review Process requires Preliminary Statement, Reliance Letter, QP Statement, in a format acceptable to the City. Form of these documents has not been released for industry consultation. We request that these forms be circulated for review and comment.</p>	<p>The format of these documents is not being revised at this time, the same forms have been in use since 2015.</p>
	<p>In 2015, developers, qualified persons and the City worked closely and cooperatively to draft the scope of the obligations set out in section 6.5.1 of the Policy. New section 6.6 would impose on developers/qualified persons reporting requirements that do not otherwise exist at law</p>	<p>Language has been amended to require compliance with applicable law and notification of the City (Chief Engineer and Executive Director).</p>

	Comment	Response
	with respect to contamination that may have migrated from past land uses on the development site onto adjacent City lands. As discussed at length in 2015, we respectfully submit that the City does not have the requisite jurisdiction to establish reporting requirements to the MECP. Again, to the extent that the City determines that it is prudent to advise the MECP with respect to any such potential legacy contamination on City lands, the City could report to the MECP.	
Exemptions		
	<p>Current exemptions are based on what appears to be somewhat arbitrary size- exemptions. The rationale for selecting these particular sizes is not clear.</p> <p>City Staff and Peer Reviewers should be empowered to use professional judgment to review and accept conditions where an exemption is reasonable based on size, accessibility & practicality of completing an assessment, and relative risk to City</p>	<p>a) Small, former RPI exemption, effective as of 2004 - This exemption applies to lands with a previous use of RPI only. Less than 100 m² was deemed small enough to not pose a significant risk to the City, given the previous low-risk use and to make the process of conveying these parcels less onerous.</p> <p>b) Less than one meter wide exemption, effective as of 2007 - this exemption applies to former RPI uses which exceed the 100 m² exemption discussed in a) and to former ICC uses of any size . If the parcel is less than a meter wide, it is considered impractical to perform any kind of drilling to obtain soil and groundwater testing results reflective of the condition of that parcel, hence the 1 m width exemption for these sites.</p> <p>c) The new proposed exemption regarding corner roundings that are less than 12.5 m² is meant to capture most corner roundings, as consulted with TS. These have proven problematic in the past, as their small size and often narrow and irregular widths have made them difficult to categorize in an existing exemption category, hence the new category.</p>
	While including exemptions for small parcels is logical, the basis for the proposed size exemptions is unclear. A rationale should be identified to support the sizes proposed.	Please see the above response.
Table Revisions		
	Correction: “and/or below-grade easements for new infrastructure to the infrastructure”	Typo has been corrected.

	Comment	Response
	Section 5.4.2 clearly indicates the Peer Review Process is required for below- grade easements for new infrastructure. Table 1 clearly indicates that the Conveyance Policy Applies to below-grade easements for new infrastructure, and it is implied by the absence of “below-grade easements” in Table 1, row 4, final column that Peer Review and Record of Site Condition would not apply.	Wording amended to add reference to below grade easements for new infrastructure as suggested.
	Clarity is needed as to whether or not Conveyance Lands situated outside of the Site of interest, where conveyance is required under a subdivision or site plan agreement, are within the scope of the Policy.	Yes they are, specifically for subdivisions where there may be lands external to the plan that require works to be completed.
Other		
	3.2 should be amended to include: “, or below-grade easements for existing municipal infrastructure	Below-grade easements will continue to be handled on a case-by-case basis, and will therefore not be explicitly excluded from the scope of the Policy
	IO has lands in the process of being severed and conveyed to the City where no active Planning Act approvals are required since the severance is being done through Crown Right. What is the applicability of this policy in situations where there are no Planning Act approvals involved?	The Policy applies where lands or below-grade easements for new municipal infrastructure are to be conveyed as a condition of a Planning Act application approval. Where land ownership is being transferred to the City through another channel, this would usually be negotiated and documented in a mutually agreed upon legal agreement applicable to that transaction. The intent of the Policy may be reflected in that legal agreement, along with any applicable legal requirements and any environmental due diligence items that the City has negotiated prior to taking ownership.
	Notwithstanding any other policy or requirement outlined in this Conveyance Policy, in cases where the conveyance involves lands owned or controlled by another level of government or crown agency there may be unique project-specific considerations and/or legislative and operating authorities that are applicable, therefore alternate mutually agreeable implementation arrangements may be negotiated, provided that all such arrangements are in compliance with all applicable law.	Please see the above response.
	Enable City staff and peer reviewers the ability to evaluate exemptions where they make sense.	The Policy's purpose is to streamline the review process for conveyance lands and emphasize consistency in the application of its requirements. In rare cases where technical circumstances merited an exemption, staff have recommended one, however approval was always obtained through a Council decision. There are no current plans to amend the current process.
	City’s response during prior stakeholder consultations suggests that “existing procedures and practices are already in place to facilitate timely review of applications which can accommodate special technical circumstances”.	Please see the above response.

	Comment	Response
	Development industry experience suggests that reasonable special technical circumstances are not being accommodated solely because of an unwillingness to support any deviation from Policy as written, and an unwillingness to support Council consideration of deviations.	
	Conditions of a CPU often include long term monitoring (cap inspection) and additional plans (soil management, health and safety) and sometimes conditions that are unrelated to the Conveyance Lands. Reconsideration of this clause would be beneficial so there are no unintended consequences.	Wording has been amended to refer to Conveyance Lands specifically. Otherwise, language will not be amended as the outlined requirements are necessary for the City, as the new land owner, to be in compliance with all CPU conditions once transfer of ownership and/or operational control occurs.
	Given the Policy improvements being proposed, it is recommended that the proposed Policy apply to applications submitted to the City prior to Council approval of the policy amendments, if the applicant so desires.	Consistent with the approach taken in 2015, this section will not be amended and the updated proposed Policy will apply to all applications submitted after the date of Council approval.
	Provincial regulation does not require an RSC unless there is a change to a more sensitive land use. RSC requirements for Conveyance Land parcels outside of subdivision applications appropriately reflect provincial requirements as per Table 1. Subdivision applications should be similarly treated to require RSC filing only for blocks where change to more sensitive land use is to occur.	This requirement is driven by the language in Subdivision Agreements and the fact that conveyance parcels in Subdivisions are typically larger and more numerous than those associated with the other application types. This poses a larger risk to the City as the new owner of these lands, therefore RCSs are required for all Subdivision conveyances.
	To improve predictability, it is recommended that the City commit, through the Policy, to specified timelines for response/completion of Peer Reviews.	<p>Peer reviewers are contractually obligated to specific timelines for each review cycle (3 weeks), however the number of review cycles depends on issues identified during the review and sometimes the quality of the submission.</p> <p>If a situation arises where a review is not progressing in accordance with the timelines set out, it should be brought to the City's (Case Manager's) attention in order to resolve the issue in a timely manner.</p> <p>We will take this under advisement to ensure that applicants are receiving appropriate information regarding peer review timelines at the outset of the application process.</p>
	Ask that the City consider proposing and committing to timelines for completing their peer reviews. In the past, the excessive amount of time it took to complete the peer review process had resulted in delays in registering a subdivision. As a result, funds appropriated for the conveyance of the roads have had to get permission to carry-over multiple times. If the peer reviews were done in a	Please see the response above.

	Comment	Response
	timely manner, that box could have checked and the peer reviews would not have held up other matters needing to be finalized before the subdivision could be registered.	
	The Policy continues to be inconsistent with provincial regulatory requirements with regards to contaminated sites (including some of the definitions applied), and thus will still generate additional effort and cost above and beyond that which would be required to meet provincial regulatory requirements for brownfields. As such, it is expected the Policy will continue to serve as a barrier to brownfield redevelopment in the City. We encourage the City to consider further changes that would improve the effectiveness of the Policy, while still protecting the environment/human health, and managing the City's costs and liabilities. For example, we encourage the City to incorporate some flexibility into the policy regarding potential short-term monitoring requirements in a Certificate of Property Use (CPU), where the obligation is not transferred to the City.	Please see the response above.