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March 8, 2022

Attention: John Elvidge, City Clerk

Re: PH31.1 – Development in Proximity Rail: Amendment to the Official Plan – Final Report

To the City of Toronto,

The purpose of this letter is to share our concern about proposed changes to the Draft Official Plan Amendment No. 536 (the 'Draft OPA') relating to rail adjacent development in the City of Toronto.

The following language from the Draft OPA is of concern:

*"2. (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."*

For many years Hatch has supported the City of Toronto and surrounding municipalities in assessing standard and alternative mitigation measures adjacent to active rail corridors.

Hatch has also worked closely with the development community on a number of master plans, and infill development projects adjacent to rail corridors to enable development. In this capacity, Hatch acts as the "qualified professional engineer whose stamp appears on the drawings for alternative rail safety mitigation" and on rail safety reports.

It is unreasonable and not in the public's interest to completely indemnify the City, as worded, from damages to people or property resulting from a derailment on the rail corridor.

We would welcome consultation on revisions to the language in the Draft OPA and will happily participate in a workshop to achieve this outcome.

Sincerely,  
Hatch Ltd.

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