



DELIVERED VIA EMAIL

February 11, 2022

City of Toronto
100 Queen Street West Floor
10th Floor, West Tower, City Hall
Toronto, ON M9C 2Y2

Attention: Brooke Marshall, Planning and Housing Committee

RE: DUNPAR HOMES' COMMENTS TO THE PLANNING AND HOUSING COMMITTEE
DEVELOPMENT CLOSE TO RAIL CORRIDORS AND YARDS

We are counsel to 2530507 Ontario Inc (“**Dunpar Homes**”), the owner of the lands municipally known as 35 Cawthra Ave., in the City of Toronto (the “**Subject Lands**”).

The purpose of this correspondence is to provide Dunpar Homes’ comments to the City’s Toronto Planning and Housing Committee (the “**City**” and the “**PHS**”, respectively) about the City’s draft Official Plan Amendment and Zoning By-law Amendment, which the PHS considered at its meeting held on December 8, 2020. The draft Official Plan Amendment will require the submission of a Rail Safety and Risk Mitigation Study as part of a complete application, whereas the draft Zoning By-law Amendment will introduce holding provisions to limit land uses within 30-metres of rail infrastructure pending the completion and review of the Rail Safety and Risk Mitigation Study.

Dunpar Homes is of the opinion that the draft Official Plan Amendment, and in particular the draft Zoning By-law Amendment (the “**Instruments**”), are not required to ensure adequate rail safety. Dunpar Homes is particularly concerned about the “one-size fits all approach” that the Instruments take with respect to ensuring adequate rail safety and risk mitigation. The requirement that there be a standard 30-metre setback between the rail infrastructure property line and proposed sensitivity or high occupancy use, along with the construction of a 2.5-metre high earthen berm, is impractical and unsuitable for the vast majority of infill development in Toronto.

As the City’s own Development in Proximity to Rail: Draft Official Plan Amendment and Proposed Zoning By-law Amendment Approach Report, dated November 24, 2020 states, only 4 out of 45 site-specific Rail Safety and Risk Mitigation studies proposed the implementation of a 30-metre setback and 2.5-metre high earthen berm. Accordingly, it is Dunpar Homes’ respectful opinion that it is inappropriate and contrary to the principles of good planning for the draft Official Plan Amendment to require future development applications to meet standard rail safety and risk mitigation measures that less than 10% of development applications are able to satisfy, as of today. Similarly, it is Dunpar Homes’ respectful opinion that the proposed Zoning By-law Amendment, which will impose a Holding Provision that requires the City and Metrolinx, Canadian National Railway, and/or Canadian Pacific Railway deem the Rail Safety and Risk Mitigation Study as being acceptable, and not introducing conditions which may interfere with the ongoing operations of rail transportation, is also inappropriate and contrary to the principles of good planning. This is because the imposition of a Holding Provision, and the associated red-tape, will further delay the provision of much-needed affordable housing in Toronto without any appreciable benefit to public safety.

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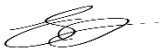
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In closing, Dunpar Homes also notes that, in the City of Toronto, there are thousands of homes adjacent to rail corridors which have little or no derailment protections. We respectfully submit that before imposing onerous requirements on new developments, the City and rail authorities should address the existing – and much more serious – safety concerns along rail corridors.

Thank you reviewing this correspondence. Please contact the undersigned if you have any comments about this letter or would like to discuss its contents.

Sincerely,

Dunpar Homes



Luke Johnston
Executive Vice President of Development and General Counsel