

February 14, 2022

HPGI File: 11265

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City Clerk's Office
Planning and Housing Committee
10th Floor, West Tower
100 Queen Street West,
Toronto, ON M5H 2N2

Attn: John D. Elvidge, City Clerk
Nancy Martins, Administrator Planning and Housing Committee

**Re: Comment Letter – Development in Proximity to Rail:
Amendment to the Official Plan - Final Report
Public Meeting Item PH31.1
Planning and Housing Committee Meeting – February 15, 2022
51 Manstor Road, City of Toronto (Etobicoke York District)**

Humphries Planning Group Inc. (HPGI) represents 2130254 Ontario Inc., the Owner of a 12.46 acre/5.045 ha parcel of land located at 51 Manstor Road (the "Subject Site"). The Subject Site is adjacent to a CP Rail corridor.



Figure 1 - Aerial view of Subject Site

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HPGI has reviewed Item PH31.1- Development in Proximity to Rail: Amendment to the Official Plan - Final Report as well as the draft City-initiated Official Plan Amendment No. 536 (the "draft OPA") appended to the Final Report of the Chief Planner and Executive Director, City Planning, dated January 27, 2022, and provide herein a summary of the Owner's concerns with the draft OPA.

Policy1 of the draft OPA refers to the requirement to submit a Rail Safety and Risk Mitigation Report for a "complete application to introduce, develop or intensify land uses within the area of influence of rail", but does not differentiate between different types of land uses, including those that may be more or less sensitive to the operations of a railway in close proximity, and fails to define the term "area of influence of rail". As a result, the proposed policy is unclear. This has the potential to apply such requirement to applications where such a report may not be necessary. There is further lack of clarity without a clear Terms of Reference for such a report.

Policy 2 of the draft OPA appears to imply, in clause (a), that an "alternative mitigation measure" will be required, which may not necessarily be the case. Further, clause (c) of proposed Policy 2 requires the landowner to enter into an agreement with the City, whereby both the landowner and the qualified professional engineer who has stamped the drawings for alternative mitigation measures would "assume responsibility for, and indemnify the City from, damages to persons and property resulting from a derailment on the rail corridor". It is our opinion that the proposed requirement is overly broad and onerous as a general obligation, particularly when the policy does not draw any connection between the actions of the landowner and/or the professional engineer, on the one hand, and the potential derailment on the other.

Accordingly, the Owner objects to the draft OPA in its current form. We would be pleased to meet with City Planning staff to discuss these concerns and determine whether there is an opportunity to amend the draft OPA so that the concerns could be appropriately addressed.

HPGI herein also formally requests notification of any meetings or decisions with respect to this process. Should you require any clarification regarding these comments, please contact the undersigned at extension 246.

Yours truly,

HUMPHRIES PLANNING GROUP INC.



Mark McConville, RPP, MCIP, M.Sc.PI
Associate

cc. 2130254 Ontario Inc.
Mark Flowers, Davies Howe Partners LLP