

## Update on Metrolinx's Ontario Line Construction in Jimmie Simpson Park

**Date:** October 10, 2023

**To:** City Council

**From:** Executive Director, Transit Expansion Division, General Manager, Parks, Forestry and Recreation, and Executive Director, Corporate Real Estate Management

**Wards:** 14

### SUMMARY

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As directed by the Toronto and East York Community Council on September 19, 2023 under *TE7.81 – Protecting and Upgrading Jimmie Simpson Playground due to Ontario Line Construction*, the purpose of this report is to provide an update on City Council's request for Metrolinx to fund the replacement of the wading pool and playground in Jimmie Simpson Park and to provide details on the status of the license for Metrolinx to access the park to complete Ontario Line works.

City staff executed a license agreement with Metrolinx for Jimmie Simpson Park, to allow Metrolinx to access its rail corridor and undertake works requested by the City to remove the existing City owned retaining wall. The license agreement took effect on April 3, 2023. As directed by City Council through *TE5.46 - Report Back on Metrolinx's Ontario Line Construction within the Toronto and East York District*, City staff have requested that Metrolinx replace the wading pool and playground in Jimmie Simpson Park. However, Metrolinx has responded that there are no plans for Metrolinx to replace or upgrade the playgrounds and the wading pool as the existing structures will not be adversely affected by the removal of the retaining wall and other Ontario Line construction. City staff are working with Metrolinx to plan for construction activities and to mitigate impacts to the park.

### RECOMMENDATIONS

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The Executive Director, Transit Expansion Division, General Manager, Parks, Forestry and Recreation, and Executive Director, Corporate Real Estate Management recommend that:

1. City Council receive this report for information.

## FINANCIAL IMPACT

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There are no financial impacts associated with this report. The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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On December 15, 2021, City Council adopted with amendments, EX28.12 Metrolinx Subways Program - Real Estate Protocol and Land Valuation Principles for Subways and GO Expansion Programs which authorized City staff to execute a Real Estate Protocol for the Subways Program detailing processes for the City and Metrolinx to follow relating to acquisition, ownership and disposition of real property.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2021.EX28.12>

On May 10, 2023, City Council adopted TE4.70 Update on Metrolinx's Ontario Line Construction within the Toronto and East York District, which provided details on the current status of the Ontario Line project within the boundaries of Toronto East York Community Council. Through the report City Council requested that Metrolinx include funds in their budget to replace the playgrounds and wading pool in Jimmie Simpson Park.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE4.70>

On June 14, 2023, City Council adopted TE5.46 Report Back on Metrolinx's Ontario Line Construction within the Toronto and East York District, which provided additional details on the Ontario Line Construction requested by City Council. Through the report City Council also requested that prior to Metrolinx accessing Jimmie Simpson Park to remove the retaining wall that the City receive a formal written undertaking for replacement of the wading pool and playscape.

Link: <https://secure.toronto.ca/council/agenda-item.do?item=2023.TE5.46>

## COMMENTS

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The Province of Ontario, through its agent Metrolinx, is delivering the Ontario Line as part of its Subways Program. The Subways Program consists of the Ontario Line, Scarborough Subway Extension, Eglinton Crosstown West Extension and Yonge North Subway Extension projects.

### **TE5.46 and TE4.70 Status Update**

On May 10, 2023, City Council requested that Metrolinx include funds in its budget to replace the playgrounds and wading pool in Jimmie Simpson Park (*TE4.70*). On June 14, 2023, City Council requested that prior to Metrolinx accessing Jimmie Simpson Park, Metrolinx should provide the City a formal written undertaking that it would replace the wading pool and playground (*TE5.46*). City staff have made these requests to Metrolinx. Metrolinx has indicated that the existing structures in Jimmie Simpson Park

will not be adversely affected by the removal of the retaining wall and other Ontario Line construction and therefore there are no plans to fund replacement or upgrading of the playgrounds and the wading pool.

Metrolinx has indicated that any improvements to public spaces surrounding Ontario Line infrastructure will be considered as part of the Metrolinx Community Benefits and Supports Program<sup>1</sup>. City staff are awaiting further details regarding Metrolinx's plans for implementing the Community Benefits and Supports Program and will continue to relay City Council's prior requests on community benefits that should be incorporated into the Ontario Line project with Metrolinx.

### **Jimmie Simpson Park License Agreement**

In accordance with EX28.12, City staff executed a licence agreement with Metrolinx to enable Metrolinx to access its rail corridor property and undertake works requested by the City for the removal of the City's existing retaining wall. Originally, Metrolinx only required a small area in the southwest corner to access its rail corridor, as shown in Appendix A as Part 1. The existing City retaining wall in the park is in poor condition and if left standing would block the new Metrolinx retaining wall that has been designed through a collaborative Design Excellence Working Group. Removal of the existing retaining wall would also provide up to three metres of additional linear park space and more clearance for playground equipment. For these reasons, City staff also requested that Metrolinx demolish the existing retaining wall. Metrolinx requires access to the additional area shown in Appendix A as Part 2 to complete the works requested by the City.

For safety purposes, Metrolinx will install temporary fencing on its licensed area to separate the construction area from the playground for a period of up to four weeks approximately. During the demolition of the City's retaining wall by Metrolinx, access to the junior swings will be temporarily restricted for two weeks, to maintain the required safety clearances from the construction area.

Metrolinx has secured access to the portions of Jimmie Simpson Park shown in Appendix A as Parts 1 and 2 through the license agreement executed in April 2023. If City Council directs City staff to withhold access to Jimmie Simpson Park, Metrolinx may choose to proceed with its Ontario Line construction activities without removing the existing retaining wall, which would leave the wall freestanding in front of the new Metrolinx retaining wall, creating unusable space between both walls. Without Metrolinx removing the wall, the City may incur new costs and challenges, as the wall removal would require precise excavation close the new Metrolinx retaining wall, require tree removals and create park programming disruptions.

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<sup>1</sup> <https://www.metrolinx.com/en/projects-and-programs/community-benefits>

## **CONTACT**

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## **SIGNATURE**

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Patrick Matozzo  
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## **ATTACHMENT**

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Appendix "A" - Licensed Area Shown as Parts 1 and 2

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