

City Council

Motion without Notice

MM11.39	ACTION			Ward: 10
----------------	--------	--	--	----------

Protecting the Process for Tree Removal at Ontario Place - by Deputy Mayor Ausma Malik, seconded by Councillor Dianne Saxe

** This Motion has been deemed urgent by the Chair.
 * This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Deputy Mayor Ausma Malik, seconded by Councillor Dianne Saxe, recommends that:

1. City Council affirm the importance of safeguarding existing trees on City-owned land as much as possible, and that the City's tree by laws are applicable and permits will be required for any tree removals or injuries.

2. City Council direct the Acting General Manager, Parks Forestry & Recreation and the Chief Planner and Executive Director, City Planning Division, in consultation with the Senior Manager, Heritage Planning, the Director, Waterfront Secretariat, and the City Solicitor, as necessary, to report to the next meeting of City Council regarding requirements applicable to the removal of trees within Ontario Place, in particular as it relates to Heritage Impact Assessments and Environmental Assessments for Ontario Place, in advance of City Council making a decision in respect of development applications filed by Infrastructure Ontario (Application No.: 22 233864 STE 10 OZ).

3. City Council direct the City Solicitor to report to the next meeting of City Council regarding the City's legal options in light of the report from the Chief Planner and Executive Director, City Planning Division, as directed by Recommendation 2.

4. City Council authorize the City Solicitor to take steps to protect the City's interests as the City Solicitor considers appropriate based on what is legally permissible, in consultation with the Chief Planner and Executive Director, City Planning Division and the Acting General Manager, Parks, Forestry and Recreation, in the event that any tree removal occurs on any City-owned lands or other areas of concern within Ontario Place and then report to the next meeting of City Council with respect to any actions taken.

Summary

Ontario Place is a treasured public space, a site of international heritage importance, and well-used, well-loved parkland.

The City of Toronto has consistently called for a collaborative process with the Province of Ontario for any redevelopment of Ontario Place. That work resulted in a commitment by the

Province to follow the City's development application review process. A development proposal is currently under review by City staff, and a final report will be considered at the December meeting of City Council.

Through the planning application process, City staff have engaged the Province through Infrastructure Ontario and the Ministry of Infrastructure. Through that engagement, City staff communicated their expectation that Infrastructure Ontario will be following the City's Urban Forestry process for injury and removal permits for trees at Ontario Place.

This week, Provincial representatives stated that they will not be formally applying for permits, under their provincial authorities.

The Province issued a Request for Proposals for tree removal services that closed on Friday October 6. This phase of work will affect trees on the East Island and Mainland areas of Ontario Place as soon as the end of the month. A planned further phase will affect trees on the West Island related to the proposed Therme water spa.

As a tree removal permit process is not being followed, the City does not have its usual capability of reviewing compliance with all necessary due diligence.

All tree removal plans should ensure that the appropriate regulatory and planning processes have been completed before they are undertaken. The current tree removal plans include an area of the site where a Heritage Impact Assessment has not been completed. In the April update report to Toronto and East York Community Council on the Ontario Place redevelopment, City staff noted their position that an Environmental Assessment for the West Island should be undertaken. That process has not been completed by the Province.

The current tree removal plans also include trees located on City lands within Ontario Place, where the City's tree by-law applies.

In order to ensure that correct process has been followed in advance of any tree removal, City Legal staff should provide advice to Council on these matters. The City should also be prepared to intervene if tree removal begins in order to protect City Council's ability to provide direction on these questions.

This motion is urgent because tree removal may begin prior to the next meeting of Council.

Background Information (City Council)

Member Motion MM11.39

<https://www.toronto.ca/legdocs/mmis/2023/mm/bgrd/backgroundfile-239905.pdf>