

CC34.7 - 847-855 Kingston Road - Ontario Land Tribunal Hearing - Request for Directions, Lenka Holubec, ProtectNatureTO

Sylwia Przewdziecki
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Via email: councilmeeting@toronto.ca

Cc: mayor_chow@toronto.ca; derin.abimbola@toronto.ca; john.mackenzie@trca.ca,
sean.guenther@toronto.ca; Rory.McNeil@toronto.ca; Wendy Walberg, City Solicitor;
councillor_bradford@toronto.ca

And all Members of Council

RE: CC34.7 - 847-855 Kingston Road - Ontario Land Tribunal Hearing - Request for Directions

Dear Mayor and Members of City Council,

These comments are to add to many voices strongly asking the Councillors to **vote NO** to any decision in respect to the proposal - 847-855 Kingston Road at Ontario Land Tribunal Hearing - Request for Directions, **unless:**

- It Is fully consistent with protection policies adopted into the City Official Plan in 2015 to conform with Provincial Policy Statement 2014, now Provincial Planning Statement 2024. [OPA 262](#) was approved by the Province in May 2016. The OPA is in full force and effect incorporated into the city Official Plan, Section 3.4 The Natural Environment.
- It adopts TRCA's requirement for at least a 10-metre setback from the ravine edge/stable top of slope
- It will, as a minimum maintain, or increase the mature tree canopy required for slope stability, while supporting Glen Stewart Ravine's protected ecological function
- It maintains current "neighbourhood" zoning designation in consistency with protection priorities of this sensitive site

"Case studies have shown that there is a general consensus in society that municipal governments must attempt to protect the most-important natural areas from destructive alteration." [Environmentally Sensitive Area Planning in Ontario, Canada, July 1981, Paul F.J. Eagles, University of Waterloo](#)

The impetus to protect remaining unique natural heritage in Ontario's cities used to be strong when our environmental conscience flourished. We need to resurrect this now before these most-important natural areas are lost.

Toronto's ESAs constitute only about 4% of city land: [Official Plan Amendment 583 Environment and Climate the ESAs - backgroundfile-225898.pdf](#)

The adopted protection laws were meant to protect these unique natural places for the long term: *"1. Natural features and areas shall be protected for the long term."* [PROVINCIAL PLANNING STATEMENT, 2024](#)

It is critical now the city upholds environmental policies adopted into City OP along OPA 262 in 2015.

We must ensure that the essential component of making a decision on any proposal adjacent to the ESA/ANSIs - Natural Heritage Impact Study (NHIS) – entails a required depth and integrity to be in conformity with the criteria set in PPS 2024. It is also crucial the city legal staff litigates and advises in respect to development proposal and Settlement Offers are in full conformity with the legal protections afforded to natural heritage (the ESA/ANSI/PSWs).

With every single settlement compromising protection of these irreplaceable and finite natural places holding incredible biodiversity and supporting regional ecosystems and all of us, Toronto is losing a lot of potential to hold on its remaining natural heritage.

The ESAs are enjoying very high level of protection along the policies adopted into the Official Plan, Section 3.4 The Natural Environment. All development proposal must conform to [PROVINCIAL PLANNING STATEMENT, 2024](#)

1. Natural features and areas shall be protected for the long term.

2. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

4.8

*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and **it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.***"

Natural Heritage Impact Study (NHIS) is the critical tool in the processing of development applications near natural heritage designated as the ESA/ANSI, PSW. The main function of this Study is evaluate whether development as proposed can demonstrate that *"there will be no negative impacts on the natural features or on their ecological functions"* of protected ESA/ANSI adjacent.

Developers are responsible for completing natural heritage impact studies for their proposed developments to assess potential negative impacts on the environment. These studies are crucial for identifying environmental features, assessing potential harm, and proposing mitigation measures to ensure development plans comply with regulations. Developers are financially responsible for the study.

It is a common concern and criticism that natural heritage impact studies (also referred to as Environmental Impact Studies or Assessments) conducted by developers often result in findings favorable to the proposed development.

In reality of fast growing Toronto, the crux of protection policies seems to be lost in practice due to a range of challenges that hinder effective implementation. NHISs seem to lack the depth needed to be in conformity with PPS 2024, while the planning authorities may not get involved in the evaluating process at the sufficient level.

NHIS mostly focus on identifying mitigation measures in respect to reduce adverse effects at the construction site – direct impacts, while ignoring or playing down indirect, induced and cumulative impacts (changes in hydrogeology; increase use of protected natural area, informal trails, pets, invasive species).

NHIS must deal with the full extent of potential impacts: direct, indirect (outside of construction, e.g. increase use, introduction of pets and impacts on wildlife, trampling, a loss of connectivity, etc.) If avoidance of negative impacts not possible, the proponent must suggest mitigation. Proposal cannot be approved unless it is proven by the proponent that there will be no negative impacts on natural heritage features and designated ecological function.

In case of Glen Stewart Ravine, the proponent is seeking attractive location, wanting to build a 11 storey building and 99 units right up to the edge of the ravine slope on the west side of the development and built up to within 6 meters of the top-of-slope in the southeast part of the ground floor. This will impact the buffer zone directly.

The ecological function of this ESA, which is to provide habitat for a wide range of the species, will be likely affected by significantly increased human activities carried out by increase numbers of residents. Potential for non-compatible use rises (pets, informal trails, noise, introduction of invasive species, trampling, etc.)

“The proponent should demonstrate that the mitigation measures it has identified will ensure that no negative impacts will occur on the natural features or on the ecological functions for which the area is identified.”

Natural Heritage Reference Manual, the Official Guide for PPS 2024 Excerpt: 13.0 ADDRESSING IMPACTS OF DEVELOPMENT AND SITE ALTERATION [NHRM 2010_13.0 ADDRESSING IMPACTS OF DEVELOPMENT AND SITE ALTERATION](#)

It is the role of the City to make all the efforts along development application process, including litigation at Ontario Land Tribunal Hearings, to ensure achieving results consistent with the relevant protection laws to actually protect our remaining natural heritage. Development proponents settlement offers usually don't work for protected nature.

“One of the really important roles for municipal government to play is to ensure that we have clarity as to where growth will go, as well as where growth won't go.”

Seventeen per cent of our city is ravines; we've just brought forward additional environmentally-sensitive areas. We don't want growth in those areas.” [Chief City Planner Jennifer Keesmaat on how to fix Toronto, By Riley Sparks in News, Politics, April 21st 2017](#)

Sincerely,

Lenka Holubec on behalf of [ProtectNatureTO](#)

Reference:

[NRSI Kingston Road 2022 12 05 Natural Heritage Impact Study Induced Impacts](#)

[NRSI 2020 Kingston Road 2022 12 05 Natural Heritage Impact Study Summary](#)

For comparison:

[High Park Terrestrial Biological Inventory, TRCA, November 2019, Impacts](#)

[Dogs impacts in High Park – Terrestrial Biological Inventory, TRCA, 2019](#)

[OPA 262](#) was approved by the Province in May 2016. The OPA is in full force and effect incorporated into the Official Plan, Section 3.4 The Natural Environment

Amendments to the Official Plan Environmental Policies and Designation of Environmentally Significant Areas presented “recommended environmental policies and the designation of 68 new and the expansion of 14 existing Environmentally Significant Areas (ESA). The proposed changes to the environmental policies are the result of extensive consultation with stakeholders including environmental groups, community associations, the general public, the development industry, City Divisions including Parks, Forestry and Recreation, Toronto Water, Public Health, Environment and Energy, the Toronto and Region Conservation Authority (TRCA) and with the Ministries of Municipal Affairs and Housing (MMAH), and Environment and Climate Change (MOECC). The proposed ESA designations are the result of detailed review of previous studies and extensive field surveys carried out between 2009 and 2012.”

[Official Plan Five Year Review: Final Recommendation Report - Amendments to the Official Plan Environmental Policies and Designation of Environmentally Significant Areas](#)

Natural Heritage Reference Manual, the Official Guide for PPS 2024

[NHRM 2010 13.0 ADDRESSING IMPACTS OF DEVELOPMENT AND SITE ALTERATION](#)

“An impact assessment is more than a description of constraints on a property. It is an evaluation that must anticipate the implications of changes in land use and the interaction of these changes with the features and functions of an area. This requires a thorough inventory of abiotic conditions, flora and fauna; documentation of vegetation; analysis of the interrelationships among the biotic and abiotic elements of a site (i.e., its ecology); and determination of the effect the proposed changes will have on the existing conditions. Most importantly, an EIS or equivalent study must determine whether the likelihood of negative impacts (as defined by the PPS) occurring on the natural features or their ecological functions is definite or probable if the development proceeds under a given proposed design. Decision makers need this information to determine the

need for modifications to proposed plans, buffers and other mitigation strategies and to fairly evaluate the cost of a land use change. Ultimately, impact assessment information is required to achieve decisions that are consistent with the PPS13.5.2.8 Identifying Mitigation Measures and Residual

Impacts

“While avoidance of impacts is preferred, mitigation involving implementation measures to prevent or reduce undesirable impacts may be used, provided that they are consistent with the PPS. The identification and implementation of mitigation measures are the responsibility of the proponent. Satisfactory implementation of mitigation measures can be enforced, for example, through conditions of approval for plans of subdivisions. The proponent should demonstrate that the mitigation measures it has identified will ensure that no negative impacts will occur on the natural features or on the ecological functions for which the area is identified.”

[Toronto Official Plan, CHAPTER THREE BUILDING A SUCCESSFUL CITYTORONTO, December 2023 Consolidation](#)

“The natural heritage system is important to the City, both within and beyond our boundaries, and needs to be protected for the long term.” CHAPTER THREE BUILDING A SUCCESSFUL CITYTORONTO OFFICIAL PLAN 3-43

“Protecting Toronto’s natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment, or neglect. To this end, proposals for new development may need to be accompanied by a study assessing their impact on the natural environment.” CHAPTER THREE BUILDING A SUCCESSFUL CITYTORONTO OFFICIAL PLAN 3-44

***“Biodiversity** refers to the rich variety of life forms and the critical roles they play within varied ecosystems. Ecological health is related to healthy biodiversity. The greater the biodiversity of a defined geographic area, the greater the ecological health and resiliency of that area. **Policies protecting and enhancing the natural heritage system are a key pillar of biodiversity conservation within Toronto. The biodiversity found in small green spaces, street trees, green roofs, community gardens, hydro corridors, cemeteries, and backyards also play an important role in our urban ecosystem.**”* CHAPTER THREE BUILDING A SUCCESSFUL CITYTORONTO OFFICIAL PLAN 3-45