

Court File No. CV-23-00694198-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

LAW SOCIETY OF ONTARIO

Applicant

and

METROLINX

Respondent

APPLICATION RECORD

VOLUME 1 OF 2

February 7, 2023

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TAB 1



Court File No.
CV-23-00694198-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

(Court Seal)

LAW SOCIETY OF ONTARIO

Applicant

and

METROLINX

Respondent

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the Applicant. The claim made by the Applicant appears on the following page.

THIS APPLICATION will come on for an urgent hearing in person or by video conference (subject to the Court's discretion) at any Toronto Courthouse on the earliest available date.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO

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OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID
MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date FEBRUARY 4, 2023 Issued by Anila Mathews Date: 2023.02.04 13:39:19 -05'00'
Local Registrar

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Lawyers for the Respondent

APPLICATION

1. THE APPLICANT MAKES APPLICATION FOR:

- (a) Injunctive relief preventing the Respondent, Metrolinx, from taking any further actions on the Osgoode Hall site (130 Queen St West, Toronto Ontario) until the Applicant's administrative proceeding under section 33(1) of the *Ontario Heritage Act* has been determined by the applicable administrative bodies;
- (b) the costs of this proceeding, plus all applicable taxes; and,
- (c) such further and other Relief as to this Honourable Court may seem just.

2. THE GROUNDS FOR THE APPLICATION ARE:

The Parties

- (a) The Applicant, the Law Society of Ontario, is a regulatory body that works in the public interest and oversees the legal professions (lawyers and paralegals) in Ontario. The Law Society is constituted under the *Law Society Act*, RSO 1990, c L.8.
- (b) Metrolinx is a Crown corporation, whose delegated authorities are derived from the *Metrolinx Act, 2006*, SO 2006, c 16. Among other things, it is leading the effort in Ontario to complete a new mass transit line, known as the "Ontario Line."

The Law Society, Ontario and Metrolinx Have Joint Ownership of the Osgoode Hall Site

- (c) The Osgoode Hall site historically has had dual ownership. The Law Society's property consists of the East Wing of the Osgoode Hall building (including the cobblestones in front of the building) as well as the south facing landscaped lawns abutting Queen Street West and running westerly to University Avenue. The remainder of the site is owned by the Province of Ontario.
- (d) In July 2022, Metrolinx expropriated a portion of Osgoode Hall (at the south-west corner of the property) from the Law Society to facilitate the construction of a subway station and related infrastructure for the Ontario Line. Metrolinx is now the legal owner of this portion of the Osgoode Hall site.

The Osgoode Hall Site is a Heritage Site under Municipal By-Law 477/90

- (e) On September 25, 1990, the City of Toronto passed By-law No. 477/90 (the "By-law"), which designated the building(s) comprising of the Law Society of Upper Canada (as it was then) to be of historical and architectural value.
- (f) The East Wing and the Gardens of Osgoode Hall are designated as protected heritage sites under Part IV of the *Ontario Heritage Act*. Schedule B of the By-law highlights the significance of the Osgoode Hall site,

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including its extensions and landscaped grounds, as a site which is a historical landmark in the development of the legal profession of Canada.

Metrolinx Intends to Use the Osgoode Hall Site for the Ontario Line

- (g) To the extent Metrolinx has been transparent with its proposal for how it intends to use the expropriated portion of the Osgoode Hall site, the following is known and/or reasonably anticipated:
 - (i) Metrolinx is to use the expropriated land to construct a "keyhole." A keyhole typically is a deep shaft dug into the ground, through which heavy construction equipment and workers can do excavation work and will ultimately be used as the entryway from ground level for passengers to enter the subway system. For the Ontario Line, some stations will be constructed using a "keyhole" method by digging down from future entrance building locations and then mining outward to create station caverns for the concourses and platforms; and,
 - (ii) Eventually, a "headhouse" will be constructed to cover the keyhole, which will serve as an entrance to the train platforms underground.
- (h) This work will not only impact the expropriated land; it will negatively alter the heritage attributes of the balance of the Osgoode Hall site.

There was an Independent Review by the City of Toronto on the Suitability of the Osgoode Hall Site

- (i) Given the heritage interests at stake, the City of Toronto retained Parsons Corporation, an expert engineering firm, to conduct a third-party review on the suitability of Metrolinx's proposal to use the Osgoode Hall site – in particular, placing a keyhole and a headhouse in such a historic location (the "Report").
- (j) While Parsons was conducting the review, Metrolinx made a series of representations to community members on the Report and how it would account for the Report's finding:
 - (i) On August 9, 2022, at an Osgoode community meeting, Metrolinx committed that before taking further steps on the Osgoode Hall site it would await the outcome of the City of Toronto's third-party review;
 - (ii) At that meeting, Metrolinx said that it welcomed the comments this Report would provide and that it wanted the best possible outcome for the people of Toronto; and,
 - (iii) There would be more than one consultation meeting with community members to best put into action the findings of the Report.

Metrolinx failed to adequately consult and conduct proper due diligence

- (k) On February 1, 2023, Metrolinx arranged a hastily-called meeting of community representatives (the “Meeting”).
- (i) The written agenda Metrolinx provided stated there would be an update on the City’s third-party review. However, as it turned out, Metrolinx had already received the Report.
- (ii) Prior to the Meeting, Metrolinx did not indicate that it had received the Report. Metrolinx did not say that the Meeting was to consult with community stakeholders on the Report’s findings. Community members, including the Law Society, were not even aware the Report had been completed.
- (iii) Even worse, before the Meeting, stakeholders (including the Law Society) did not receive a copy of the Report nor were they aware that such a Report has been released to Metrolinx.
- (iv) To date, the Law Society does not have a copy of the Report.
- (v) At the Meeting, the summary of the Report presented to participants concluded that the Osgoode Hall site appears to be the most suitable location.

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- (vi) However, the presentation material did not appear to be complete and acknowledged there was at least one other “feasible” site that required further analysis.
- (vii) Without the Report, the Law Society could neither meaningfully consult nor be assured that Metrolinx had completed its necessary due diligence.
- (l) On February 3, 2023 (and on the eve of filing these submissions), the Law Society became aware that the Ontario Line website included an email address to request a copy of the Report. This email address or option was not provided to the attendees before the February Meeting. The Law Society requested a copy of the report from the email address, but has not received a copy to date.

Metrolinx started preparatory work, including work necessary to cut down trees

- (m) On February 2, 2023 (less than twelve hours after its attempted community meeting), Metrolinx began preparatory work on the Osgoode Hall site.
 - (i) Metrolinx currently has security personnel on site and construction workers erecting fences. Steps are also being taken to cut down trees as part of this preparatory work, which are part of the heritage protected landscaping that has been a vibrant urban forest for well over a century.

- (ii) Metrolinx did so without notice to the community.

**The Law Society commenced an administrative proceeding under the
*Ontario Heritage Act***

- (n) On February 3, 2023, the Law Society commenced an application before the City of Toronto's Council under section 33(1) of the *Ontario Heritage Act*.
- (o) Section 33(1) requires that no property owner shall alter the property or permit the alteration of the property if the alternation is likely to affect the property heritage attributes.
- (p) Accordingly, under the *Act*, the Law Society has an obligation to bring to the Council's attention the proposal of a public body (Metrolinx) intending to use its expropriated land in a manner that will alter the heritage attributes of the property that the Law Society owns as stewards for the public. In other words, the issue for Council to determine on the application is this: can Metrolinx proceed with its proposed plan without any review from Council

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when such a plan directly affects the heritage attributes of the balance of the property?

- (q) Under the *Act*, Council must first make a determination on this application, with subsequent appeal on the same available to the Ontario Land Tribunal.
- (r) Under the *Act*, there is no explicit authority for Council or the Ontario Land Tribunal to grant affected parties injunctive relief.

This Court has the authority to grant injunctive relief in view of pending administrative proceedings

- (s) This Court retains a residual discretionary power to grant interlocutory relief such as injunctions, a power which flows from the inherent jurisdiction of the courts over interlocutory matters.
- (t) The courts have jurisdiction to grant an injunction where there is a justiciable right, wherever that right may fall to be determined. This accords with the more general recognition that the Court may grant interim relief where final relief will be granted in another forum. This is especially the case if without the interim relief, the rights that are being sought to be protected before another forum will be vitiated (or issues rendered moot).
- (u) In other words, this Court has jurisdiction to grant relief where the objective is to preserve the status quo such that the administrative proceeding can determine the legal and evidentiary issues raised before it.

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There are serious issues to be tried

- (v) In the underlying administrative proceeding before the Council, there are live questions such as whether Metrolinx's conduct on its expropriated land adversely affects the heritage character of the balance of the Osgoode Hall site. Such an issue meets, if not exceeds, the low threshold of serious issues to be tried.

The Law Society will suffer irreparable harm without injunctive relief

- (w) Rather than providing the Report, engaging in consultation, and conducting sufficient due diligence on other feasible sites, Metrolinx is singularly focused on moving forward, including but not limited to cutting down historic trees in the Osgoode Hall site. Such actions are permanent and will fundamentally change the heritage character of the Osgoode Hall site. These harms are concrete, clear, and non-compensable. Without injunctive relief, the Law Society's rights will be permanently affected despite it having commenced an administrative proceeding.

The balance of convenience favours granting injunctive relief

- (x) Preserving the status quo so that Metrolinx conducts meaningful consultation and necessary research on other feasible sites (as the Report advises) will not prejudice Metrolinx. The public interest favours striking an appropriate balance between developing mass transit systems while protecting heritage attributes of historic sites. An expedited administrative

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proceeding does not prejudice Metrolinx and gives confidence to the public that public spaces and historic and cultural landmarks are duly protected.

(y) Such further and other grounds as the lawyers may advise.

3. The following documentary evidence will be used at the hearing of the application:

(a) Affidavit of Diana Miles and the exhibits thereto (affirmed February 3, 2023) and further expert and/or lay affidavits that are to follow; and,

(b) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

~~February 3, 2023~~
FEBRUARY 4, 2023

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Lawyers for the Applicant

Court File No.
CV-23-00694 198-0000

LAW SOCIETY OF ONTARIO
Applicant

-and- **METROLINX**
Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

NOTICE OF APPLICATION

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Lawyers for the Applicant

TAB 2

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

LAW SOCIETY OF ONTARIO

Applicant

and

METROLINX

Respondent

AFFIDAVIT OF DIANA MILES

(Affirmed on February 3, 2023)

I, **Diana Miles**, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am the Chief Executive Officer of the Law Society of Ontario (the “LSO”) and, as such, have knowledge of the matters contained in this affidavit. Where I do not have personal knowledge of a matter to which I depose, I state the source of that information and I believe it to be true.

Background

2. The LSO owns the East Wing of Osgoode Hall. Until recently, the LSO also owned the portions of the lawns on the south façade of the building, west to University Avenue. On July 27, 2022, Metrolinx expropriated the southwest portion of the lawn for use on its Ontario Line project (as described below). The Centre, the West Wing of Osgoode Hall, and the lawn to the west of the building are owned by the Province of Ontario. While the site has different owners, I refer to the whole property, including fence and grounds, as

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“Osgoode Hall” except where distinctions between ownership are relevant to my evidence.

3. The portions of Osgoode Hall owned by the LSO, and the portion of the lawn previously owned by it, are designated as a heritage property by City of Toronto By-Law No. 477-90 (the “Heritage By-law”). I attach a copy of the Heritage By-Law as **Exhibit “A”** to my affidavit. The Osgoode Hall site was also designated under the *Historic Sites and Monuments Act* as a National Heritage Site of Canada on November 15, 1979.

4. With respect to the Heritage By-law, the heritage attributes of the property are described in the Heritage By-law as follows:

The property identified as the East Wing of Osgoode Hall at 130 Queen Street West is designated on historical and architectural grounds. The East Wing of Osgoode Hall was built on a site acquired from John Beverley Robinson as the headquarters for the Law Society of Upper Canada, the professional organization formed in 1797 to represent the Province of Ontario's lawyers. The building was named for William Osgoode, the first Chief Justice of Upper Canada.

In 1829, construction of the present three-storey East Wing began according to the designs of architect John Ewart. In 1844-46, the East Wing was refaced to match a new West Wing designed by architect Henry Bowyer Lane. This building program was the result of an agreement whereby the Law Society provided accommodation at Osgoode Hall for the Supreme Courts of Ontario. In 1874, when Osgoode Hall was formally divided between the two occupants, the Law Society retained the East Wing and the lands to the south, east and northeast, while the Province acquired the remainder.

The East Wing, constructed in red brick with stone detailing, reflects the English Palladian style. It was not altered after 1860, as further additions and changes were made to the north end of the building and the interiors. The First Law School Addition, including Convocation Hall, was designed by William Storm in 1880. Subsequent wings were designed by Storm in 1889, Saunders and Ryrie in 1937, and Mathers and Haldenby in 1956. In 1989, plans

were approved to add two stories, designed by the Norr Partnership, to the latter addition.

The First Law School Addition was designed by Storm (1880) in the Renaissance Revival style and constructed in buff brick, and portions are still visible from the south edge of the property. It is stylistically linked to the East Wing. The Second Law School Addition, designed by Storm (1889), has similar buff brick walls and additions. The latter wings are partially enclosed by the Third Law School Addition (1937), to the northeast of the East Wing. Both the Third Law School Addition and the Fourth Law School Addition (1956), attached to its north end, were influenced by the Modern style.

Important interiors in the East Wing are the entrance and stair hall with decorative ceilings and stained glass dome, and the fireplace mantels, cornices, and ceiling decoration in the Benchers' Dining Room and the second floor Benchers' Reception Room. In the First Law School Addition, Convocation Hall has panelled walls, torches from the Middle Temple in London, England, a minstrels' gallery, a beamed and vaulted wooden ceiling, and a series of contemporary stained glass windows. The Barristers' Club Rooms in the attic of the Second Law School Addition contain unusual beamed ceilings with, wooden carvings of animals and caricatures of the vices.

The Law Society grounds consist of the land south of the principal facade to Queen Street and west to University Avenue. This area, with cobblestone driveway and landscaped lawns, was laid out by John G. Howard, architect and City Engineer, in 1843. It is partly enclosed by an ornate cast iron fence with six baffles, attributed to William Storm, cast by the St. Lawrence Foundry of Toronto, installed in 1866, and extended by a brick fence.

The East Wing of Osgoode Hall with its extensions and landscaped grounds are an outstanding record of the continuing evolution of architectural styles in Canada from the early 19th century to present day, and are examples of the work of several of the most important architects in Toronto during this period. The site is an historical landmark in the development of the legal profession in Canada.

5. In addition, the viewscape is protected under the City of Toronto's Official Plan. I attach a copy of the relevant Secondary Plan which includes protection of this viewscape as **Exhibit "B"**.

The Ontario Line

6. Metrolinx is responsible for the construction of the Ontario Line, a new subway line that will run through the City of Toronto from Exhibition Place to the Ontario Science Centre. Metrolinx plans to locate a station near the existing “Osgoode Hall” TTC subway station at Queen Street West and University Avenue.

7. As part of the Ontario Line project, Metrolinx expropriated a portion of property, including a portion of the heritage fence, at the southwest corner of the landscaped lawn in front of Osgoode Hall previously owned by the LSO. Metrolinx intends to use the expropriated property to build the “keyhole” (including a below ground station directly below a large portion of the lawn) and the “headhouse” for the Ontario Line’s Osgoode Hall station.

8. I am not an engineer, but my layperson’s understanding is that the “keyhole” is a deep shaft dug into the ground, through which heavy construction equipment and workers can do excavation work and will ultimately be used as the entryway from ground level for passengers to enter the subway system. For the Ontario Line, I understand that some stations will be constructed using a “keyhole” method by digging down from future entrance building locations and then mining outward to create station caverns for the concourses and platforms. A “headhouse” is the structure at surface level through which passengers will gain access to the keyhole entryway to the system.

9. The proposed headhouse for the Osgoode Hall site will be significant. At present, the Osgoode Hall building facing its gardens has three floors and sits on roughly six acres

of land. I have attached a copy of a rendering of the proposed headhouse that I obtained from Metrolinx's website as **Exhibit "C"**.

Metrolinx's deficient community consultations to date

10. As part of the project, Metrolinx has engaged in some community consultations. However, it has failed to meet the important commitments it made to the public in those meetings.

11. Both the public and the City of Toronto (the "City") have expressed concerns about Metrolinx's proposal for the Osgoode Hall site. I attach as **Exhibit "D"** to my affidavit copies of newspaper articles and letters from community organizations on the same.

12. On August 9, 2022, I attended a community meeting held by Metrolinx to discuss the project and its impacts on Osgoode Hall. Various other community stakeholders also attended. I attach as **Exhibit "E"** a copy of an email dated August 16, 2022 from Ross Andersen, Community Engagement & Issue Specialist at Metrolinx, attaching notes summarizing Metrolinx's version of the discussions at the August 9, 2022 meeting.

13. At that meeting, Richard Borbridge, Subway Program Director of the City of Toronto, advised the attendees that the City was in the process of finalizing a scope of work to retain a third-party engineering firm to prepare a report. The City proposed that this report would be a critical review of Metrolinx's proposal and would consider alternative locations for the Osgoode Hall keyhole and headhouse.

14. As reflected in Metrolinx's notes of the meeting, in response to the City's proposed report, Malcolm MacKay, Program Sponsor of the Ontario Line at Metrolinx, said on behalf of Metrolinx (see Exhibit "E"):

We will receive the report and we would welcome the comments, then evaluate and pivot as necessary and make sure we arrive at the best outcome. Time is of the essence to influence, but we have great confidence with the work we've undertaken. ...

15. In or around October 2022, the City retained Parsons Corporation ("Parsons") to conduct this third-party review. I am not privy to Parsons' scope of work or the information provided to Parson by Metrolinx or any other stakeholders.

16. Notwithstanding its commitment to await the Report, in or around November 2022, I heard first from community representatives and then later from Metrolinx that it was starting to make preparations to cut down mature trees on the Osgoode Hall site while the Report was still being prepared.

17. There was a great deal of community outcry because of Metrolinx's plans to remove trees. I have attached copies of relevant news articles and letters about this matter as **Exhibit "F"**.

18. Following this community outcry, Metrolinx insisted on a meeting on short notice. On November 28, 2022, I met with Metrolinx but before doing so, I set out the LSO's position in a letter, a copy of which I attach as **Exhibit "G"** to my affidavit.

19. During the November 28th meeting, I insisted that Metrolinx abide by its promise of not taking any actions on the Osgoode Hall grounds until the Report was released and considered by City Council and the community. Metrolinx agreed. It stated that it had

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“good news”: the trees did not have to be removed at the moment and that Metrolinx could do the archaeological dig without removing the trees, despite the notice it had provided previously (a copy of which is attached as **Exhibit “H”**). This work was scheduled to begin on December 5, 2022, but was delayed.

20. On or around January 27, 2023, Metrolinx reached out to arrange a meeting, again on short notice. Metrolinx proposed that a meeting would take place on February 1, 2023 with community representatives (the “February Meeting”). I have attached a copy of the meeting invite and agenda as **Exhibit “I”**.

21. Prior to the February Meeting, Metrolinx did not indicate that it had received the Report. Metrolinx did not say that the February Meeting was to consult with community stakeholders on the Report’s findings. Community members, including the LSO, were not even aware the Report had been completed. Even worse, before the February Meeting, stakeholders (including the LSO) did not receive a copy of the Report nor were they aware that such a Report has been released to Metrolinx.

22. To date, the LSO does not have a copy of the Report, subject to the additional clarification below at paragraph 37.

23. I was unable to attend the February Meeting but my colleagues, Elliot Spears (General Counsel) and Simon Di Vincenzo (Senior Manager, Facilities & Planning), attended on the LSO’s behalf. They have advised me that:

- (a) The City of Toronto presented a slide deck prepared by Parsons, the City’s third-party reviewer.

- (b) The summary included in the presentation deck indicated that the Report had concluded that the Osgoode Hall site appeared to be the most suitable location.
- (c) However, the presentation slides used during the Meeting appear to contradict Metrolinx's conclusions that Osgoode Hall is the only feasible site. I attach as **Exhibit "J"** a copy of the presentation deck that was used during the February Meeting. The presentation deck was provided to attendees at the February Meeting, not before.

24. In particular, one of the slides in the presentation deck stated as follows about the conclusions of the Report: "[b]ased on the material provided by Metrolinx, and consideration of the same design criteria used in the current headhouse design at 'Location A – Osgoode Hall Site' we would suggest the 'Location B – Campbell House Site' may benefit from further analysis as a potentially feasible alternate location for the headhouse building for Osgoode Station" (see Exhibit "J").

25. I am advised by my colleagues that at no point did representatives from Metrolinx (Malcolm MacKay and Darren Conney) specifically ask community representatives, including from the LSO, what they thought about the Report or whether they would like to review it for themselves. While there were questions asked and objections raised, Metrolinx did not promise to conduct further due diligence or analysis.

26. Despite not providing community representatives with a copy of the Report, I am advised by my colleagues that Metrolinx declared at the February Meeting that consultation with stakeholders was now over. Instead, Metrolinx (per Malcolm MacKay)

advised that a Construction Liaison Committee would be struck and that Metrolinx intended to move forward quickly with the Ontario Line project.

27. On February 2, 2023 (i.e., less than 12 hours after the February Meeting), employees and/or contractors of Metrolinx appeared on the grounds of Osgoode Hall. At the time of affirming my affidavits, these workers appear to be conducting preparatory work to cut down the trees located in the lawn of Osgoode Hall, something which Metrolinx's counsel have now confirmed in a letter (attached below).

28. To date, Metrolinx has not indicated that they will conduct any further community consultation. On the contrary, Metrolinx has indicated – both through its statements and its conduct – that it will be moving ahead with construction on the Osgoode Hall site without regard for community concerns or the fact that a reputable third-party engineering firm, by Metrolinx's own account, confirmed that an alternative site may be feasible if Metrolinx conducted further analysis.

Metrolinx's deficient due diligence to date

29. As described above at paragraph 24 of this affidavit, the presentation materials at the February Meeting acknowledge the potential impact of Metrolinx's project on both the building and natural heritage characteristics of the Osgoode Hall property, as well as the impact on protected views (see Exhibit "J").

30. In its presentation deck, Parsons also acknowledges alternative sites which may not raise these same concerns, but which require "further analysis" may be feasible. Although I am not an expert on engineering or heritage attributes, these statements alone

establish that it is premature to conclude that the Osgoode Hall site is either the “most suitable” site or that the project will deliver the best possible outcome for community members when Metrolinx has not done the analysis necessary to assess the alternative sites, including one which the Report says is potentially feasible, such as Campbell House.

31. To date, Metrolinx has not indicated that it will conduct such necessary and further analysis. On the contrary, Metrolinx is inclined to push ahead with the construction phase without adequate due diligence and consultation.

The LSO’s interest will be irreparably damaged without the Court’s intervention

32. As described above, the predicament facing the LSO is as follows:

- (a) The LSO is in the dark about what the Report says on the suitability of Osgoode Hall as a site for constructing the Ontario Line;
- (b) Metrolinx did not provide an adequate period to consult with stakeholders or conduct necessary due diligence; and,
- (c) On the contrary, Metrolinx has decided unilaterally the conclusions of the Report support its position and has barreled ahead with little to no notice.

33. The LSO relied on Metrolinx’s commitment that it would await the release of the Report and consultations before performing further work on the site. Metrolinx told me and the broader community that it wanted the best possible outcome for the public. While the LSO is in the process of obtaining evidence from heritage experts at Goldsmith Borgal

& Company Ltd., which the LSO has retained for this purpose, the LSO does not yet have an expert report given our reliance on Metrolinx's own statements.

34. While I am not an expert on heritage matters, it is obvious even to a layperson that should Metrolinx be allowed to proceed with its plan of constructing the keyhole and headhouse on the Osgoode Hall site, the historical and heritage character of the location will be permanently and irreparably damaged. Metrolinx's proposal at minimum risks fundamentally altering the following heritage attributes that are integral to its heritage protection:

- (a) Landscaped lawns and one of the last remaining green spaces in Downtown Toronto;
- (b) Historic cast iron fence;
- (c) Overall heritage and historic character of the building and adjacent land, which would be permanently and irreparably marred by headhouse and a keyhole;
- (d) Viewscape of the site from nearby streets; and,
- (e) The relationship to the urban landscape, and larger community of neighboring heritage buildings.

35. Yesterday, I was informed by Metrolinx for the first time, through its counsel, that Metrolinx intended to remove trees from the heritage lawns imminently as part of its work. I have attached a copy of the letter I received as **Exhibit “K”**.

36. The LSO is the steward of Osgoode Hall, a vital symbol of the legal system and of the rule of law in Ontario, and therefore of our democracy. At present, the LSO has filed a section 33 application with the City Council under the *Ontario Heritage Act*. Judicial relief is necessary to ensure that the City’s process can be completed before Metrolinx continues with its current unilateral approach. I attach these submissions as **Exhibit “L”** to my affidavit.

Access to the Report

37. On February 3, 2023 (and on the eve of affirming my affidavit), I became aware that the Ontario Line website included an email address to request a copy of the Report. This email address or option was not provided to the attendees before the February Meeting.

38. I have requested a copy of the report from the email address but have not received a copy. I attach as **Exhibit “M”** a screenshot of Ontario’s Line’s website.

-13-

AFFIRMED remotely by Diana Miles at the City of Toronto, in the Province of Ontario, before me on the 3rd day of February, 2023 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.

Manne Chowdhury

Commissioner for Taking Affidavits
(or as may be)



(Signature of deponent)

This is Exhibit "A" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits

IN THE MATTER OF THE ONTARIO HERITAGE ACT
R.S.O. 1980, CHAPTER 337 AND
130 QUEEN STREET WEST, CITY OF TORONTO
PROVINCE OF ONTARIO

NOTICE OF PASSING OF BY-LAW

To: The Law Society of Upper Canada
Toronto Region, Government Service Ministry
34 Grenville Street
Toronto, Ontario
M7A 1N7

The Law Society of Upper Canada
130 Queen Street West
Toronto, Ontario
M5H 2N6

✓ Ontario Heritage Foundation

Take notice that the Council of the Corporation of the City of Toronto has passed By-law No. 477-90 to designate the above-mentioned property to be of historical and architectural value or interest.

Dated at Toronto this 25th day of September, 1990.

B. Caplan

Barbara G. Caplan
City Clerk

ONTARIO HERITAGE
FOUNDATION

SEP 27 1990

Nancy Smith

No. 477-90. A BY-LAW

To designate the property at 130 Queen Street West (east wing of Osgoode Hall) of historical and architectural value or interest.

(Passed September 10, 1990.)

Whereas by Clause 2 of Neighbourhoods Committee Report No. 11, adopted by Council at its meeting held on September 10, 1990, authority was granted to designate the property at 130 Queen Street West (east wing of Osgoode Hall) of historical and architectural value or interest; and

Whereas the Ontario Heritage Act authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of historic or architectural value or interest; and

Whereas the Council of The Corporation of the City of Toronto has caused to be served upon the owners of the lands and premises known as 130 Queen Street West (east wing of Osgoode Hall) and upon the Ontario Heritage Foundation notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in a newspaper having a general circulation in the municipality once for each of three consecutive weeks; and

Whereas the reasons for designation are set out in Schedule "B" hereto; and

Whereas no notice of objection to the said proposed designation has been served upon the clerk of the municipality;

Therefore the Council of The Corporation of the City of Toronto enacts as follows:

1. There is designated as being of architectural and historical value or interest the real property more particularly described and shown on Schedules "A" and "C" hereto, known as 130 Queen Street West (east wing of Osgoode Hall).
2. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper land registry office.
3. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Foundation and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Toronto.

ARTHUR C. EGGLETON,
Mayor.

BARBARA G. CAPLAN
City Clerk.

Council Chamber,
Toronto, September 10, 1990.
(L.S.)

✓

SCHEDULE "A"

In the City of Toronto, in the Municipality of Metropolitan Toronto and Province of Ontario, being composed of part of Park Lot 11 in Concession 1 From the Bay, in the original Township of York, the boundaries of the said land being described as follows:

PREMISING that the bearings herein are grid and are referred to the Central Meridian 79 degrees and 30 minutes West Longitude through Zone 10 on the Ontario Co-ordinate System, then;

COMMENCING at the intersection of the easterly limit of University Avenue as widened by Act of Parliament 52 Victoria Chapter 53 (Ontario), with the northerly limit of Queen Street West;

THENCE North 17 degrees 07 minutes and 40 seconds West along the said easterly limit of University Avenue as widened 40.08 metres more or less to the south-westerly angle of PART 1 on a plan of survey deposited in the Land Registry Office for the Registry Division of Toronto (No. 63), as 63R-1852.

THENCE North 73 Degrees 20 minutes and 10 seconds East along the southerly limit of the said PART 1 on Plan 63R-1852, a distance of 103.18 metres more or less to the south-easterly angle of the said PART 1;

THENCE North 16 degrees 36 minutes and 10 seconds West along an easterly limit of the said PART 1, a distance of 24.76 metres more or less to the southerly face of a wall, being an angle of the said PART 1;

THENCE North 73 degrees 17 minutes and 40 seconds East along a limit of the said PART 1, being along the said southerly face of a wall, a distance of 0.76 metres more or less to an angle of the said PART 1;

THENCE North 16 degrees 42 minutes and 20 seconds West along an easterly limit of the said PART 1, being the westerly face of a wall, a distance of 1.37 metres more or less to an angle of the said PART 1;

THENCE North 73 degrees 17 minutes and 40 seconds East along a limit of the said PART 1, being the site of former north face of a wall, a distance of 0.42 metres more or less to an angle of the said PART 1;

THENCE North 16 degrees 39 minutes and 20 seconds West along an easterly limit of the said PART 1, being the easterly face of a wall, a distance of 11.41 metres more or less to an angle of the said PART 1;

THENCE North 73 degrees 09 minutes and 00 seconds East along a limit of the said PART 1, being the southerly face of a wall, a distance of 1.42 metres more or less to an angle of the said PART 1;

THENCE North 16 degrees 51 minutes and 00 seconds West along an easterly limit of the said PART 1, being an easterly face of a wall, a distance of 7.25 metres more or less to an angle of the said PART 1;

THENCE North 72 degrees 53 minutes and 30 seconds East along a limit of the said PART 1 a distance of 1.73 metres to an angle of the said PART 1;

THENCE North 17 degrees 07 minutes and 40 seconds West along an easterly limit of the said PART 1 and parallel to the said easterly limit of University Avenue as widened, a distance of 66.27 metres more or less to the north-easterly angle of the said PART 1, being a point in the southerly limit of Osgoode Street as closed by City of Toronto By-law 22502 registered in the said Land Registry Office as Instrument 125997E.P.;

THENCE North 73 degrees 18 minutes and 50 seconds East along the said southerly limit of Osgoode Street as closed, 37.37 metres to the beginning of a curve to the right;

THENCE south-easterly along the said curve to the right having a radius of 6.10 metres, being along the southerly limit of Osgood Street as closed, a distance of 9.60 metres more or less to the end of the said curve, the chord of the said curve being on a course of South 61 degrees 47 minutes and 45 seconds East, 8.64 metres, the end of the said curve being a point in the westerly limit of Chestnut Street as closed by City of Toronto By-law 21287 (FIRSTLY) registered in the said Land Registry Office as Instrument 118715E.P.;

THENCE South 16 degrees 54 minutes and 25 seconds East along the said westerly limit of Chestnut Street as closed, being along the westerly limit of PART 1 on a plan of survey deposited in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66), as 66R-7942, 80.40 metres more or less to an angle of a brick and stone wall on the lands herein described;

THENCE southerly along the irregular easterly face of the said brick and stone wall located to the east of a Reference line having a bearing of South 16 degrees 54 minutes and 25 seconds East for a distance of 60.83 metres more or less to the south-westerly angle of Chestnut Street as closed, being along the westerly limit of the said PART 1 on Plan 66R-7942;

THENCE South 16 degrees 54 minutes and 25 seconds East along the westerly limit of Chestnut Street, 3.96 metres to the intersection with the northerly limit of Queen Street West;

THENCE South 73 degrees 22 minutes and 55 seconds West along the said northerly limit of Queen Street West 150.74 metres to the point of commencement.

Included within the limits of the hereindescribed land are PARTS 1 and 2 on a plan of survey deposited in the said Land Registry Office as 63R-1286.

The easterly limit of University Avenue and the northerly limit of Queen Street West and the westerly limit of Chestnut Street extending northerly 3.96 metres from the northerly limit of Queen Street West, as confirmed under the Boundaries Act by Plan BA-1835 registered on January 23, 1981, as CT454573.

The hereinbefore described land being delineated by heavy outline on Plan SYE2420, dated July 16, 1990, and set out as Schedule "C".

SCHEDULE "B"

Reasons for the designation of the property at 130 Queen Street West (east wing of Osgoode Hall).

The property identified as the East Wing of Osgoode Hall at 130 Queen Street West is designated on historical and architectural grounds. The East Wing of Osgoode Hall was built on a site acquired from John Beverley Robinson as the headquarters for the Law Society of Upper Canada, the professional organization formed in 1797 to represent the Province of Ontario's lawyers. The building was named for William Osgoode, the first Chief Justice of Upper Canada.

In 1829, construction of the present three-storey East Wing began according to the designs of architect John Ewart. In 1844-46, the East Wing was refaced to match a new West Wing designed by architect Henry Bowyer Lane. This building program was the result of an agreement whereby the Law Society provided accommodation at Osgoode Hall for the Supreme Courts of Ontario. In 1874, when Osgoode Hall was formally divided between the two occupants, the Law Society retained the East Wing and the lands to the south, east and northeast, while the Province acquired the remainder.

The East Wing, constructed in red brick with stone detailing, reflects the English Palladian style. It was not altered after 1860, as further additions and changes were made to the north end of the building and the interiors. The First Law School Addition, including Convocation Hall, was designed by William Storm in 1880. Subsequent wings were designed by Storm in 1889, Saunders and Ryrie in 1937, and Mathers and Haldenby in 1956. In 1989, plans were approved to add two stories, designed by the Norr Partnership, to the latter addition.

The First Law School Addition was designed by Storm (1880) in the Renaissance Revival style and constructed in buff brick, and portions are still visible from the south edge of the property. It is

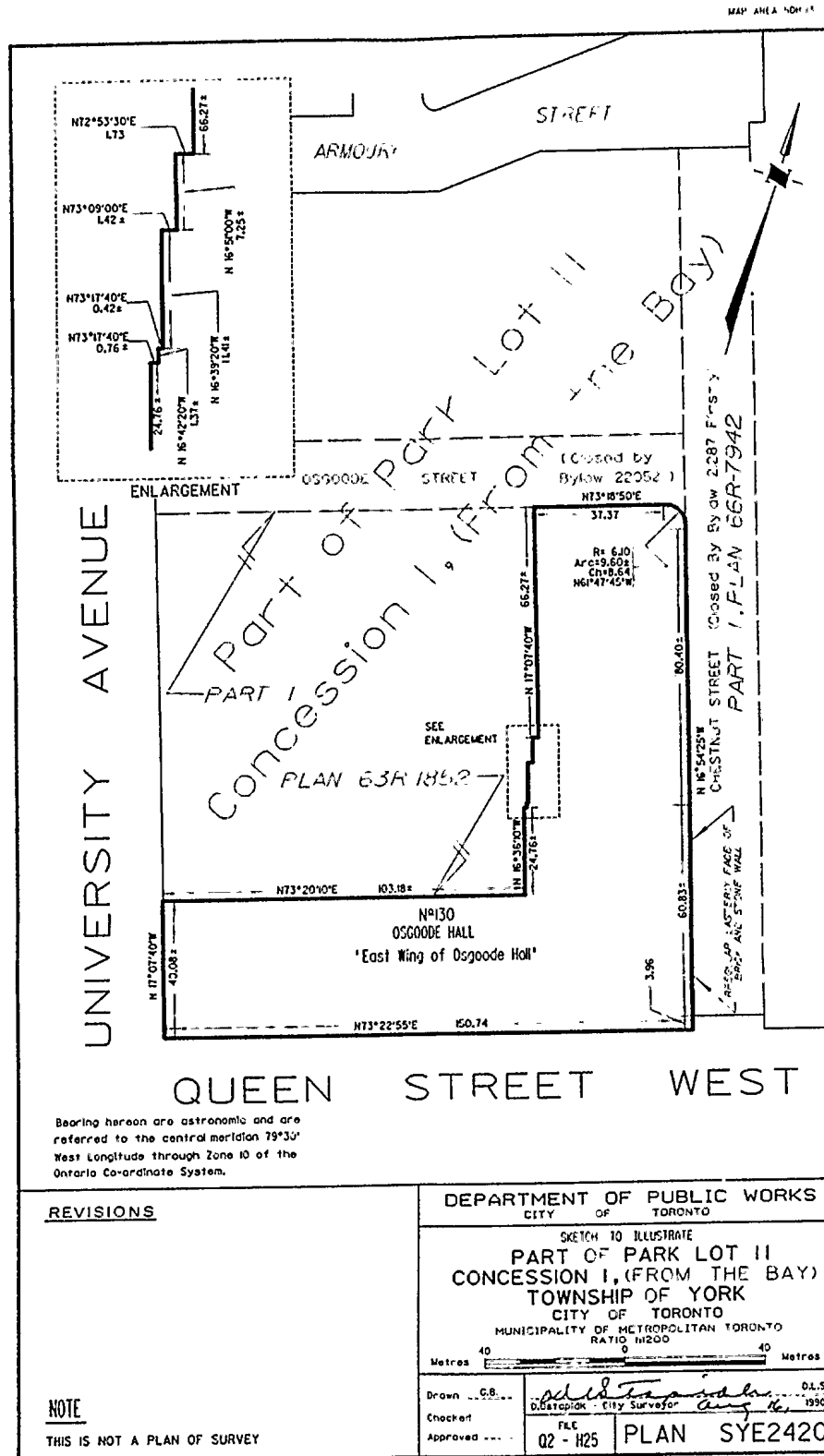
stylistically linked to the East Wing. The Second Law School Addition, designed by Storm (1889), has similar buff brick walls and additions. The latter wings are partially enclosed by the Third Law School Addition (1937), to the northeast of the East Wing. Both the Third Law School Addition and the Fourth Law School Addition (1956), attached to its north end, were influenced by the Modern style.

Important interiors in the East Wing are the entrance and stairhall with decorative ceilings and stained glass dome, and the fireplace mantels, cornices, and ceiling decoration in the Benchers' Dining Room and the second floor Benchers' Reception Room. In the First Law School Addition, Convocation Hall has panelled walls, torches from the Middle Temple in London, England, a minstrels' gallery, a beamed and vaulted wooden ceiling, and a series of contemporary stained glass windows. The Barristers' Club Rooms in the attic of the Second Law School Addition contain unusual beamed ceilings with wooden carvings of animals and caricatures of the vices.

The Law Society grounds consist of the land south of the principal facade to Queen Street and west to University Avenue. This area, with cobblestone driveway and landscaped lawns, was laid out by John G. Howard, architect and City Engineer, in 1843. It is partly enclosed by an ornate cast iron fence with six baffles, attributed to William Storm, cast by the St. Lawrence Foundry of Toronto, installed in 1866, and extended by a brick fence.

The East Wing of Osgoode Hall with its extensions and landscaped grounds are an outstanding record of the continuing evolution of architectural styles in Canada from the early 19th century to present day, and are examples of the work of several of the most important architects in Toronto during this period. The site is an historical landmark in the development of the legal profession in Canada.

SCHEDULE "C"



This is Exhibit "B" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits

DESCRIPTION OF VIEWS

This schedule describes the views identified on maps 7a and 7b of the Official Plan. Views described are subject to the policies set out in section 3.1.1. Described views marked with [H] are views of heritage properties and are specifically subject to the view protection policies of section 3.1.5 of the Official Plan.

A. PROMINENT AND HERITAGE BUILDINGS, STRUCTURES & LANDSCAPES

A1. Queens Park Legislature [H]

This view has been described in a comprehensive study and is the subject of a site and area specific policy of the Official Plan. It is not described in this schedule.

A2. Old City Hall [H]

The view of Old City hall includes the main entrance, tower and cenotaph as viewed from the southwest and southeast corners at Temperance Street and includes the silhouette of the roofline and clock tower. This view will also be the subject of a comprehensive study.

A3. Toronto City Hall [H]

The view of City Hall includes the east and west towers, the council chamber and podium of City Hall and the silhouette of those features as viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square. This view will be the subject of a comprehensive study.

A4. Knox College Spire [H]

The view of the Knox College Spire, as it extends above the roofline of the third floor, can be viewed from the north along Spadina Avenue at the southeast corner of Bloor Street West and at Sussex Avenue.

A5. Knox College [H]

The view of Knox College, located in Spadina Circle north of College Street and between the north and southbound lanes of Spadina Avenue, where it wraps around the property, can be viewed clearly and in its entirety (including its spire) from College Street at the southwest and southeast corners of College at Spadina, as well as from the Spadina streetcar right of way, when traveling toward or from the property on the streetcar at College Street.

A6. Osgoode Hall [H]

The south facing façades of Osgoode Hall can be viewed in whole or part through and over the fence surrounding its property (the fence is also part of the view) from the following locations:

- i. The southeast and southwest corners of York Street at Richmond Street.
- ii. The southwest corner of University Avenue at Queen Street West.

A7. University College [H]

The view of University College includes the full view of the south facing façade and tower of the building as viewed from both the northwest and northeast corners of Kings College Road at College Street.

SCHEDULE 4

A8. The Grange [H]

The Grange south facing façade, and the path leading up to it through the park, can be viewed in its entirety from the southeast and southwest corners of John Street at Stephanie Street. View corridors concerning Grange House in Grange Park exempt park infrastructure including, but not limited to, playground structure, lighting strategies, seating areas, landscape features and housing which is used solely for the purpose of accommodating mechanical operational needs of the park.

A9. Yorkville Library & Yorkville Fire Station #312 Tower [H]

The south facing façade of the Yorkville Library and tower of Fire Station #312 can be viewed from the southeast corner of Yonge Street at Yorkville Avenue. The tower of Fire Station #312 can also be viewed from all four corners of Yorkville Avenue at Bay Street.

A10. Flatiron Building [H]

The main facades and tower of the Flatiron Building, facing east, can be viewed from the following locations:

- i. The northeast and southeast corners of Front Street East at Market Street.
- ii. The northeast corner of Front Street East at Jarvis Street.

A11. St. James Cathedral Spire [H]

The spire of St. James Cathedral can be viewed from the following locations:

- iii. The southwest and northwest corners of King Street East at Church Street.
- iv. Between Church Street and Market Street (across from Farquhars Lane), on the north side of Front Street East, looking north through the pedestrian pathway and Sculpture Garden.

A12. Princes' Gates [H]

The central portal and north and south wings of the Prince's Gates, facing east, can be viewed in their entirety from the northeast and southeast corners of Lakeshore Boulevard West at Fort York Boulevard

A13. St. Mary's Church [H]

St. Mary's Church and its distinctive spire can be viewed in its entirety on axis with Adelaide Street West at Bathurst Street from the southeast and northeast corners of Adelaide Street West at Portland Street.

A14. Fort York [H]

Views into Fort York under the Gardiner Expressway show some of its buildings, land forms and artifacts from the following locations:

- i. Fleet Street at Grand Magazine Street.
- ii. Fleet Street at Iannuzzi Street.
- iii. Coronation Park through June Callwood Park, Bastion Street and Gzowski Boulevard.

A15. Rogers Centre

From King Street West at John St and at Blue Jays Way, a portion of the Rogers Centre stadium and domed roof including the integrated public art installation – "The Audience" by Michael Snow – can be viewed.

A16. CN Tower [H] and Rogers Centre Dome

The CN Tower, together with the domed roof of the Rogers Centre, can be viewed clearly from the north shore of Toronto Island Park just beyond the northern terminus of the Avenue of the Islands.

A17. Casa Loma [H]

The view of Casa Loma shows much of its south facing façade and, in particular, the towers on the property, most notably the Scottish Tower, from the east side of the intersection of Dupont Street and Spadina Road.

A18. Summerhill Station Clock Tower [H]

The clock tower at the former Summerhill train station can be viewed from Yonge Street from the following locations:

- i. Alcorn Avenue from the west side of Yonge Street.
- ii. Walker Avenue from the west side of Yonge Street.
- iii. The southwest corner of Yonge Street at Marlborough Avenue.

A19. Upper Canada College Spire [H]

The spire alone can be viewed clearly on approach to Upper Canada College from the intersection of Avenue Road at Balmoral Avenue.

A20. East York Civic Centre [H]

The form massing and design of the East York Civic Centre and its surrounding campus can be viewed clearly from the following locations:

- i. The southeast corner of Coxwell Avenue at Mortimer Avenue.
- ii. The east side of Coxwell Avenue where it meets Memorial Park Avenue.
- iii. The northeast and southeast corners of Coxwell Avenue at Barker Avenue.

A21. RC Harris Water Treatment Plant [H]

The sprawling RC Harris Water treatment plant can be viewed in its entirety from many vantage points in close proximity to the property, from Lake Ontario.

A22. University of Toronto Scarborough Campus

The tops of campus buildings can be viewed rising above the natural ravine setting of Highland Creek from the south end of the Morningside Avenue Bridge.

A23. Scarborough Civic Centre [H]

The Scarborough Civic Centre building form, massing and composition can be viewed in its entirety from the northeast steps of Albert Campbell Square.

SCHEDULE 4

A24. North York Civic Centre [H]

The North York Civic Centre can be viewed clearly from west side of Yonge Street, directly across Mel Lastman Square from the building. Some of the landscaping obscures the lower portions of the building, but its setting, massing and form can be clearly viewed from this vantage point.

A25. York Cemetery Cenotaph

The Cenotaph terminates a view from the west side of Yonge Street which is framed by the buildings on both sides of North York Boulevard.

A26. York Boulevard, York University Commons

The landscape within York Boulevard and the Commons, including the buildings which frame these spaces, can be viewed from the west edge of the intersection of York Boulevard with Keele Street.

A27. Etobicoke Civic Centre [H]

The Civic Centre can be clearly viewed in its entirety from the west side of the West Mall, on axis with the main entrance of the building. The clock tower can also be viewed in part from this vantage point, and is also viewed from the intersection of Highway 427 south-bound off ramp at Burnhamthorpe Road.

A28. Beach Fire Station #227 Clock Tower [H]

The view of the prominent clock tower above the ridge of the west portion of the fire station building can be viewed from all four corners of the intersection of Queen Street East at Woodbine Avenue.

A29. Old Mill Bridge [H]

The bridge can be viewed in its entirety from Etienne Brule Park, from the pathway just north of the parking lot looking south, and from the end of the pathway next to the Old Mill Tennis Courts looking north-west.

A30. De La Salle College [H]

- i. The south elevations of Oaklands house can be viewed from Avenue Road and from Oaklands Avenue through the stone gates and across the De La Salle College playing fields.
- ii. The north and west elevations of Oaklands house can be viewed from Avenue Road.
- iii. The west elevation of the 1949 school building can be viewed from Avenue Road.
- iv. The De La Salle College playing fields can be viewed from Avenue Road just north of the gatekeeper's house.

A31. The Hearn

The view of the Hearn Generating Station and its landmark stack can be viewed in its entirety from the south side of the SmartTrack Station, when travelling along Broadview Avenue.

B. SKYLINES

B1. Downtown/Financial District Skyline

- v. Gardiner Expressway (eastbound) at Kipling Ave – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed in the horizon from the eastbound lanes of the Gardiner Expressway just past the Kipling Avenue overpass.
- vi. Gardiner Expressway (eastbound) at Humber Bay Shores – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the eastbound lanes of the Gardiner Expressway at the bend just past Park Lawn. The view is across Jean Augustine Park and is framed by buildings in Humber Bay Shores.
- vii. Fort York – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly throughout the grounds of Fort York.
- viii. Toronto Islands (north shore) – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the north shore of Toronto Island Park.
- ix. Jennifer Kateryna Koval's'kyj Park – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the waterfront edge of Jennifer Kateryna Koval's'kyj Park located at the terminus of Polson Street.
- x. Broadview Ave at Bain Ave – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from Broadview Avenue at Bain Avenue across Riverdale Park East.
- xi. Prince Edward Viaduct – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the south-east end of the Prince Edward Viaduct.
- xii. Don Valley Parkway (southbound) south of Leaside Bridge – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the southbound lanes of the Don Valley Parkway, at the bend just south of the Leaside Bridge.
- xiii. Sir Winston Churchill Park – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the footpath in Sir Winston Churchill Park rising above the natural ravine setting. The skyline is most visible in winter when the surrounding trees are without leaves.
- xiv. Top of Baldwin Steps (east of Casa Loma) – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the top of the Baldwin Steps located just east of Casa Loma.
- xv. Casa Loma (south terrace) – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the south terrace of Casa Loma.
- xvi. Parc Downsview Park (top of The Mound) – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the top of The Mound.
- xvii. De La Sage College – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, and Lake Ontario can be viewed clearly from De La Salle College at the top of the Lake Iroquois escarpment.
- xviii. Broadview Avenue SmartTrack Station & Lakeshore Blvd/Broadview Avenue – Buildings, including the CN Tower, which compose the Downtown/Financial District skyline, can be viewed clearly from the elevated platform and multi-use pathway of the SmartTrack Station, and at the intersection of Lake Shore Boulevard East and Broadview Avenue.

B2. North York Centre Skyline

Buildings which compose the North York Centre skyline can be viewed clearly from Highway 401 in the eastbound lanes when travelling over the West Don River bridge.

SCHEDULE 4

B3. Scarborough Centre Skyline

Buildings which compose the Scarborough Centre skyline can be viewed clearly from Highway 401 in the westbound lanes when emerging from beneath the Neilson Road overpass.

C. IMPORTANT NATURAL FEATURES

C1. Scarborough Bluffs

The western portion of the Scarborough Bluffs can be viewed clearly from the waterfront edge of Scarborough Heights Park.

C2. Cathedral Bluffs

The Cathedral Bluffs can be viewed clearly from the eastern side of Bluffer's Park trail.

C3. West Highland Creek Ravine

The West Highland Creek and natural ravine setting can be viewed clearly from both sides of the Lawrence Avenue East Bridge (looking north-west and south-east).

C4. Rouge Marsh

The Rouge Marsh and surrounding natural setting can be viewed clearly from the boardwalk lookout in Rouge Beach Park (looking north) located near the eastern terminus of Lawrence Avenue East.

C5. Rouge River and Rouge Park

The Rouge River and natural setting of Rouge Park can be viewed clearly from north side of the Kingston Road Bridge, and is most visible at the east boundary of the City of Toronto.

C6. Rouge Park

The natural setting of Rouge Park can be viewed from the north side of Sheppard Avenue East, and is most visible at Glen Eagles Vista.

C7. Humber River

The Humber River and natural ravine setting can be viewed clearly from both sides of the Bloor Street West Bridge (looking north and south), the Old Mill Bridge (looking north-west and south) and the Dundas Street West Bridge (looking north-west and south-east).

C8. Humber Marshes

The Humber Marshes and surrounding natural setting can be viewed clearly from the western edge of Riverside Drive just north of South Kingsway (looking north-west).

C9. Lake Ontario

Lake Ontario can be viewed clearly beyond the termini of Norris Crescent, Miles Road, Lake Crescent, Royal York Road, Sand Beach Road, and Second, Third, Fourth, Fifth, Sixth, Seventh, Tenth, Eleventh, and Twelfth Streets. These “windows on the Lake” are framed by trees and landscaped setbacks.

C10. The Don Valley

The Don Valley can be viewed from the west side of Broadview Avenue at Pottery Road.

C11. Lake Iroquois Escarpment

The Lake Iroquois escarpment ridge can be viewed clearly from Avenue Road just north of the gatekeeper’s house and from Oaklands Avenue through the stone gates and across the De La Salle College playing fields.

C12. Renaturalized Don River Mouth

The Renaturalized River Mouth of the Don River and its surrounding open spaces, including the Flood Protection Landform can be viewed clearly from the elevated platform and multi-use pathway of the SmartTrack Station.

This is Exhibit "C" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Chowdhury

Commissioner for Taking Affidavits

Ontario Line

A new 15.6-km subway line in Toronto that will run from Exhibition Place, through downtown, all the way to the Ontario Science Centre.

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[Osgoode Station](#)

[Station area map](#)

Rendering

[Key facts](#)

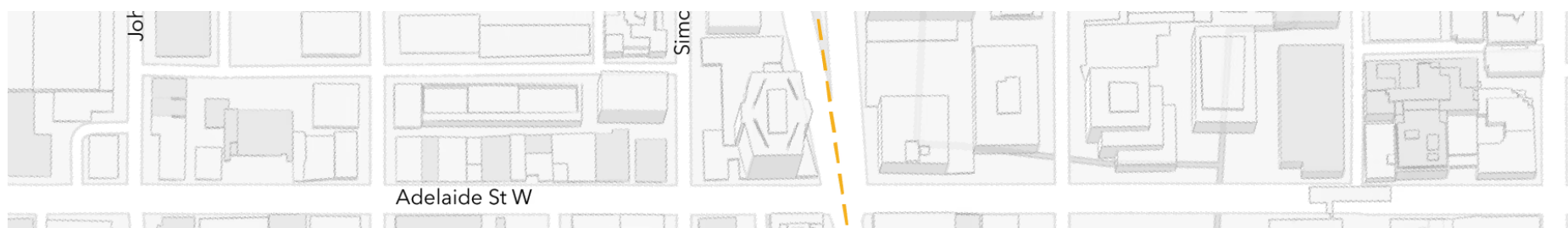
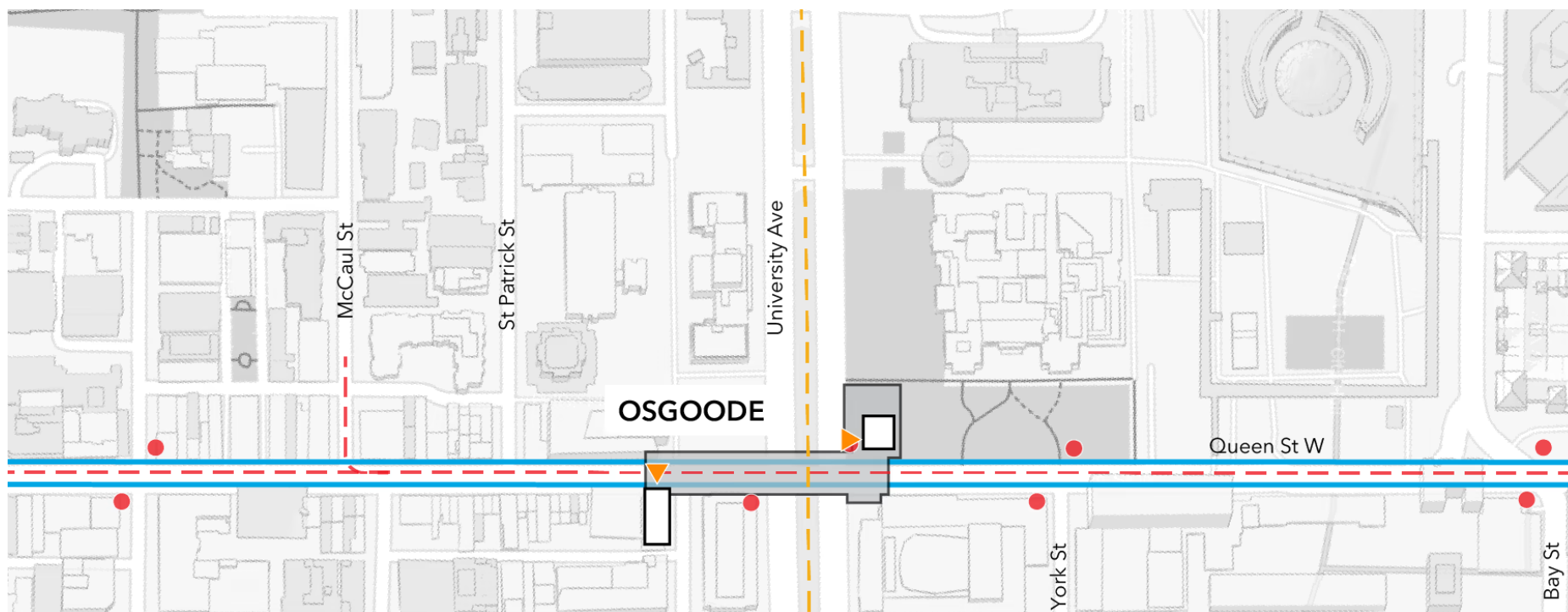
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Osgoode Station

The Ontario Line will link directly to Line 1 at Osgoode Station, giving customers an important connection to and from the existing subway network.

New station entrances on the northeast and southwest corners of the University Avenue and Queen Street intersection will create needed capacity for an increasing number of subway customers. They'll also make it easy for customers coming from underground to get directly to eastbound or westbound streetcar stops without having to cross the wide and busy intersection.

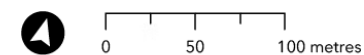
Station area map



Osgoode Station

- Tunnelled
- - - Line 1 Yonge-University
- - - Streetcar Line
- Streetcar Stop
- ▲ Station Entrance
- Station Building
- Underground Station Area

Note: Heritage attributes will be conserved where possible.



METROLINX Enlarge

Map showing Osgoode Station location. View a more detailed project footprint in the Environmental Impact Assessment Report [here](#).

The Ontario Line station at Osgoode will be within a short 10-minute walk of more than 16,500 residents, bringing another rapid transit option to a community where 8,700 households don't currently own a car. It will also connect to more than 110,500 jobs in the area.

Rendering



Future Ontario Line station entrance at northeast corner of Queen Street West and University Avenue (Osgoode).



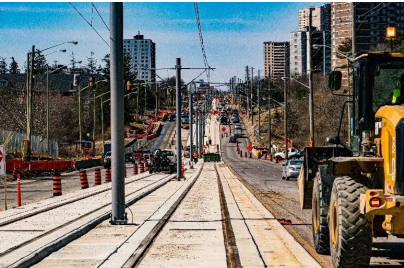
Related Projects



Scarborough Subway Extension

Extending Line 2 subway service 7.8 km farther into the heart of Scarborough.

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Finch West LRT

Finch West LRT will transform the community from Humber College to Finch West Station.

TORONTO REGION RAPID TRANSIT



Eglinton Crosstown LRT

A midtown connection between east and west Toronto with 25 stations along a dedicated route.

TORONTO REGION RAPID TRANSIT



Union Station

A better experience at the centre of our network

TORONTO REGION GO EXPANSION

Eglinton Cross Extension

Extending the Eg LRT 9.2 km farther to Etobicoke and Mi

TORONTO REGION

Land Acknowledgement

Metrolinx acknowledges that it operates on the traditional territory of Indigenous Peoples including the Anishnabeg, the Haudenosaunee and the Wendat peoples. In particular these lands are covered by 20 Treaties, and we have a responsibility to recognize and value the rights of Indigenous Nations and Peoples and conduct business in a manner that is built on the foundation of trust, respect and collaboration. Metrolinx is committed to building meaningful relationships with Indigenous Peoples, and to working towards meaningful reconciliation with the original caretakers of this land.

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Metrolinx, an agency of the **Ontario Government** under the Metrolinx Act, 2006, was created to improve the coordination and integration of transportation in the **Greater Toronto and Hamilton Area** alongside the **Ministry of Transportation**.

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This is Exhibit "D" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Chowdhury

Commissioner for Taking Affidavits

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GTA

'Hands off Osgoode Hall,' Mayor John Tory warns Metrolinx over proposal to tear up historic site for new Ontario Line station

City councillors voted against rezoning the historic site to allow construction of the proposed entrance.

By **Ben Spurr** City Hall Bureau

Tue., May 31, 2022 |  3 min. read

 JOIN THE CONVERSATION (62)

Mayor John Tory has a warning for Ontario's transit agency: don't touch Osgoode Hall.

The mayor issued the stern message Tuesday in response to a plan from Metrolinx to tear up a corner of the historic building's grounds for construction of an entrance for a new Ontario Line subway station.

Metrolinx, which is the provincial Crown corporation responsible for transit expansion in the GTA, says it has determined the site at the northeast corner of University Avenue and Queen Street West is the best option from a transit and engineering perspective.

The new station will connect with the existing Osgoode stop on the TTC's Line 1, and is projected to be one of the busiest on the 15-station, \$11-billion Ontario Line. By 2041, 12,000 people an hour will use the new stop at its busiest times, according to Metrolinx, and it needs to be big enough for large volumes of people to move in and out.

But Tory said there has to be a way to complete the project without encroaching on Osgoode Hall, whose landscaped grounds and cast iron gates have housed provincial courts and the Law Society of Ontario for more than 170 years.

Speaking to reporters at an unrelated event, the normally cool-headed mayor appeared fired up as he slammed the proposal, which he said Metrolinx hadn't consulted him on.

"I'm all for building transit but I can tell you right now, 'Hands off Osgoode Hall premises,'" he said.

The mayor argued the front lawn of the property is worth preserving because it's "one of the few patches of green in the downtown" and is attached to a historic site. He said he was confident Metrolinx could use modern engineering techniques to "find a way to have a subway entrance without messing around with that park."

"I will just say to Metrolinx ... that's not on. They can find a different way," he said.

Earlier on Tuesday, the city's planning and housing committee declined to approve a routine zoning change to facilitate construction of the station after hearing from residents and city staff who expressed concerns about the plan's negative impact on

the landmark property, green space and urban tree cover. The Law Society of Ontario, which co-owns Osgoode Hall with the Ontario government, was among those objecting.

The committee voted to ask staff to go back to Metrolinx and discuss potential alternative designs, including a proposal to remove northbound traffic lanes on University to create a pedestrian plaza west of Osgoode Hall where the station entrance could be built.

But Metrolinx showed no signs of changing plans Tuesday. In a statement, agency spokesperson Anne Marie Aikins said the northeast corner of University and Queen is the best site for the station entrance because it would allow for direct transfers with streetcar service, have better pedestrian flows, and avoid conflicts with other buildings and infrastructure in the area.

She said Metrolinx has reviewed the plaza option but determined it would still require disturbing Osgoode Hall grounds. That's because even if the subway entrance is moved westward, the station itself will still need to be built under the corner of Osgoode Hall to avoid the Line 1 subway.

"The fact that this corner is not occupied by buildings means it's the only available open space where we can build a shaft that gives us access to the underground construction site," Aikins said.

She said Metrolinx is committed to working with the city, local residents and heritage experts "to ensure the site is thoughtfully restored once work is finished," including by planting trees and "reinstating much of the historic fence and cobblestone that lines the area today."

The province has the authority to override the city's objections, and will have final say on the plan.

The law society completed the original Osgoode Hall building in 1832. In addition to housing the Superior Court and Court of Appeal, it is the former site of Osgoode Hall Law School, which moved to York University in 1969. Tory got his law degree there in 1978.

With files from David Rider.



Ben Spurr is a Toronto-based reporter covering city hall and municipal politics for the Star. Reach him by email at bspurr@thestar.ca or follow him on Twitter: [@BenSpurr](https://twitter.com/BenSpurr)

Read more about: [Metrolinx, John Tory](#)

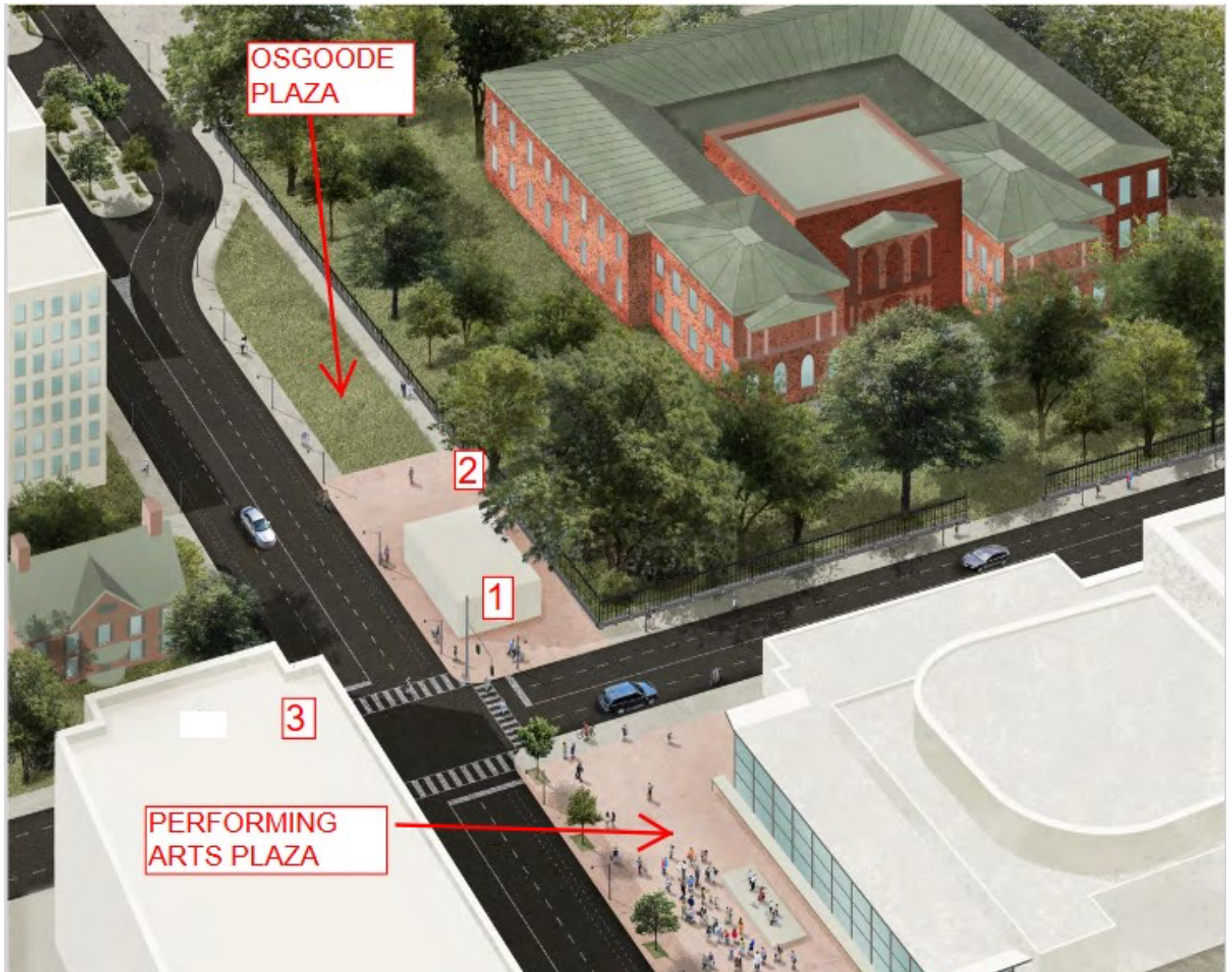
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Community groups propose new vision for Osgoode Station, pan Metrolinx plan

May 31, 2022

Jessica Bruno





A proposal put forward by downtown community groups would create "Osgoode Plaza" and a performing arts space in front of the Four Seasons Performing Arts Centre, by repurposing the east lane of University Avenue. Campbell House Museum Campbell House Museum Campbell House Museum

A Metrolinx plan to take over a piece of historic downtown greenspace at Osgoode Hall to build an Ontario Line subway station is getting pushback from city councillors and community leaders, who say it would cause “irreparable harm” to the landmark space.

“The intrusion into this historic cultural heritage landscape is egregious and absolutely unacceptable,” the Architectural Conservancy of Ontario’s Toronto chapter told city councillors.

Plan’s for Metrolinx’s updated Osgoode stop would take over the portion of greenspace at the north-east corner of Queen Street West and University Avenue for the main station entrance and construction staging.

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Residents’ groups, architects, historians and Ontario’s lawyers are all speaking out against the plan, which they say will unnecessarily cut into a historic city landmark, while shrinking the area’s supply of green space and creating a pedestrian headache.

“Easy engineering and traffic convenience should not be prioritized over maintaining the integrity of Osgoode’s historic greenspace for the benefit of

future generations,” wrote Liz Driver, the director and curator of Campbell House Museum, in a [letter to councillors](#).

On its **community blog**, Metrolinx states that “special care” will be taken “to preserve the unique historic character on display at Queen and University.”

The six-acre Osgoode Hall site is nearly 200 years old. The proposed area for re-zoning would stretch 32 metres by 40.6 metres into the garden, from the corner of the property’s iron fencing. Campbell House’s letter to councillors states that this is one-fifth of Osgoode’s garden. The letter also notes that Metrolinx’s rendering for the area “shows trees gone, protected views of the heritage property blocked, and part of the historic fence removed.”

Metrolinx states that while “small portions” of the fence will be removed, they will be put back once construction is done, with the work being supervised by a qualified expert.

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“Protective material will be placed around the rest of the fence, entrance gates and any landscape elements near construction work,” the transit agency also stated.

Metrolinx's proposed location for the Ontario Line's Osgoode stop is located on the grounds of Osgoode Hall.

Community-driven vision for major Toronto intersection

Toronto's Planning and Development Committee voted Tuesday to ask Metrolinx to work with city staff to consider an alternative plan, drawn up by community residents' groups. Full city council is scheduled to vote on the action on June 15.

"The Ontario Line project is a 'once in a lifetime' opportunity to transform the public realm at University and Queen," the Campbell House submission states. [The proposal](#) was initially put forward by the Grange Community Association and Campbell House, and then supported by a coalition of community groups.

Instead of taking the corner of parkland, the community groups want Metrolinx to convert the east lane of University Avenue into "Osgoode Plaza," a parkette that would include the station entrance. On the intersection's southeast side, the closed lane would be converted into a performing arts plaza directly outside the Four Seasons Centre for the Performing Arts.

"This proposal has universal support in the community," wrote Driver in Campbell House's submission to councillors.

The community groups said they met with Metrolinx to present the alternative for the station in April. The groups say that at the time, Metrolinx promised to have engineers study the idea and respond within weeks, but they have yet to receive a response. Many of the community groups also called attention to what they say was a lack of notice and public consultation by the city and Metrolinx during the initial design process.

“The proposed station entrance...is unrealistic,” **wrote Don Young, co-chair of FoSTRA’s** advocacy and activism committee, in a letter to councillors. “At all times, but especially during rush hours, those entering and exiting the Ontario Line will be fighting for space with pedestrians who are waiting for the changing traffic lights at this very busy intersection, as well as cueing for streetcars heading west on Queen, and commuters entering and exiting the existing Osgoode Station on the University line.”

Plans for the station include a second exit on the southwest side of the intersection.

“The entrances will be positioned to make it easy for customers coming from the subway to get to a streetcar stop without crossing this wide and busy intersection,” Metrolinx noted.

Metrolinx notes that by 2041, about 12,000 people are expected to go through the station at peak travel hours, with 1,000 people an hour transferring to streetcars. The transit agency also estimates that in future, there will be 16,500 residents within a 10-minute walk of the station, and 110,500 jobs in the area.

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Other ideas put forward by community groups include moving the main station entrance either to the southwest or southeast corners, or north on University Avenue.

An estimated 20 percent of Osgoode's garden would be taken over by Metrolinx's Osgoode Station and related construction.

Other Toronto heritage properties affected by transit line

With the exception of Osgoode Hall, the **planning committee approved** the bulk of the 16 proposed zoning changes that city staff submitted for the Ontario Line, based on Metrolinx information. They include changes to zoning for properties in Thorncliffe Park, Leslieville, the Docklands, Don Valley and Liberty Village. Related locations have **faced their own community backlash.**

The entire Ontario Line route is problematic for Toronto's built history, says the Toronto chapter of the Architectural Conservancy of Ontario.

"The project makes its way through a concentration of Toronto's most significant heritage properties and heritage conservation districted, almost as if the route was chosen to inflict maximum damage," the group **has told city councillors** and Metrolinx. The conservation group also acknowledges the dire need for transit.

"The Ontario Line will have irrevocable impacts on Toronto's most significant heritage sites, including Fort York, Queen Street, East and West, Osgoode Hall, and the First Parliament Site," the group stated.

ACO Toronto points out that, by Metrolinx's own count, 35 heritage properties will be directly impacted by the project, with indirect impacts on 126 more properties. That includes 22 properties "for which complete or partial demolition is expected." There's also one historic property that will have to be temporarily relocated, and one property where the transit agency is expecting to do an archeological dig.

The volunteer groups wants Metrolinx and the city to establish a round table to consult on the historical impact of the route.

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MORE FROM LIFE

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Grange Community Association

May 27, 2022 **2022PH34.4**

Dear Councillors Perks, Fletcher, Bilao, Nunziata and Bradford,

A staff report about a City-initiated **Ontario Line** subway Zoning By-law amendment will be at the **Planning and Housing Committee** this coming Tuesday as item 2022.PH34.4.

The staff report cries out for **one change** to its recommendations. Your Committee can make that change. We ask that you do so.

The staff report involves sixteen Toronto locations, fifteen of which are relatively minor and are not controversial. The sixteenth is 130 Queen Street West, the historic Osgoode Hall lands at Queen West and University Avenue.

This **sixteenth** is a transportation By-law amendment that **unnecessarily endangers an historic site**. It does not need to be – and should not be – part of the City Initiated Request. Details are included in the May 24th email to your Committee members from Ceta Ramkhalawansingh of the Grange Community Association. Briefly:

- 1] The Osgoode amendment as it stands does not benefit the City. It was included in the list of requested amendments as a result of a cut-and-paste request from Metrolinx.
- 2] The amendment allows (in fact, creates) irreparable harm to the Osgoode Hall landscape by the removal of historic trees and fencing; landscape mapping has not been offered by Metrolinx.
- 3] The siting of the Osgoode Hall station has not been done in the least damaging way. An alternative has been offered by the community.
- 4] Metrolinx has not revealed the engineering feasibility or utility infrastructure studies they promised during our consultation on April 14th.

In summary, the **sixteenth amendment is premature and dangerous** and should be deleted from the version of 2022.PH34.4 that your Committee forwards to City Council.

Sincerely,

Max Allen

Max Allen, VP Planning and Development, on behalf of the Grange Community Association Inc.
Mallen6@sympatico.ca 78 St. Patrick St TH116 Toronto M5T 3K8 416-593-1238

cc: Councillor Layton, Lynda Macdonald, Gregg Lintern, Mary MacDonald, James Perttula, Brent Gilliard, Robin Buxton Potts, Liz Driver, Ceta Ramkhalawansingh



27 May 2022

Dear Committee Members,
Planning and Housing Committee,
City of Toronto

RE: Agenda Item PH34.4

City-Initiated Zoning By-law Amendments to Implement Ontario Line - Final Report

On behalf of the Federation of South Toronto Residents Association (FoSTRA), I am writing to state our objection to a clause of the Draft Amendment to former City of Toronto By-law 438-86 – specifically, Section 1.490. a) v. “A portion of 130 Queen Street West.”

FoSTRA is a federation that currently represents 25 residents associations in the five downtown Wards – Wards 4, 9, 10, 11 and 13 – i.e., thousands of Toronto's citizens. We have become concerned about the potential destruction of one of the city's most important historical sites and the loss of rare parkland in the centre of the city, along with many mature trees.

Despite repeated requests from the community for information, Metrolinx's proposed plans for Osgoode Station were revealed only at the beginning of April 2022. Immediately thereafter, serious objections were raised.

Following significant pressure from the Grange Community Association (GCA), Campbell House and FoSTRA, Metrolinx agreed to a meeting of stakeholders – cultural, environmental and community organizations.

The ensuing roundtable on 14 April was well attended. Many Metrolinx and City staff, as well as representatives from the Canadian Opera Company, the Architectural Conservancy of Ontario, the Law Society of Ontario, Office of the Chief Justices and other organizations were present. Even so, this was still not a public event. To my knowledge, today's PHC meeting (May 31) is the first and only official public consultation related to Osgoode Station.

On 14 April, the GCA and Campbell House presented an alternative proposal for Osgoode Station, which you have been, or will be, shown today (May 31). All the attending organizations praised the community alternative and were critical of Metrolinx's existing plans. Metrolinx agreed to have its engineers study our alternative and get back to us about its viability within a few weeks. To date, over a month and a half later, we have received nothing, save for assurances that a response is coming soon.

Regarding the section of the draft bylaw amendment that refers to 130 Queen Street, FoSTRA is asking for the proposed amendment to:

1. be rejected, because of the inevitable damage to this valued historical property and its green space, which would include the removal of 10 or more mature trees; or, at the very least,
2. be deferred until Metrolinx reports back on the community proposal.

If our community proposal is found not to be viable, other, less damaging proposals should be considered, and adequate time should be allotted for such potential alternatives to come forward. This



first public consultation could inspire a better approach that respects the integrity of a historic downtown public realm, one that Torontonians and visitors greatly value.

A question that remains to be answered: Why is the City driving this draft bylaw amendment? Who benefits? Certainly, not the City or its citizens!

The proposed station entrance at the NE corner of Queen and University, as shown in the illustration provided by Metrolinx, is unrealistic. It is situated right at the NE corner, immediately adjoining the existing sidewalk. At all times, but especially during rush hours, those entering and exiting the Ontario Line will be fighting for space with pedestrians who are waiting for the changing traffic lights at this very busy intersection, as well as cueing for streetcars heading west on Queen, and commuters entering and exiting the existing Osgoode Station on the University line.

If the PHC recommends the proposed amendment as it pertains to 130 Queen Street, the entrance will have to be moved, either deeper into the property, which will more seriously compromise the Osgoode Hall property and its treasured gardens, or further north, which may require another amendment. Like an iceberg, most of the infrastructure for the station entrance will be underground, making it impossible for large trees to be replanted after construction.

However, if moved far enough north, beyond the heritage iron fencing and into the 'vacant' grass field area, the threat to the Osgoode Hall property would be minimized. Many other alternatives –including a SE corner location for the main entrance of Osgoode Station – have not been fully explored. All the more reason for the PHC to either reject this bylaw amendment outright or defer it until such time as a less destructive solution can be found.

We are hoping that you will agree with us and save the Osgoode Hall property for Torontonians now and for future generations.

Don Young,
Ward 11 Director, Interim Director Ward 13, and
Co-chair, Advocacy and Activism Committee

May 30, 2022

Re: Planning and Housing Committee Meeting, May 31, 2022

PH34.4 **(10:15 AM)** City-Initiated Zoning By-law Amendments to Implement Ontario Line - Final Report (Ward 10, 13, 14, 15 - Statutory: Planning Act, RSO 1990)

c/o phc@toronto.ca

Impact of Ontario Line on Toronto Heritage Resources

Chair and Committee Members

ACOToronto is a local branch of the Architectural Conservancy of Ontario, founded in Toronto in 1933 by Professor Eric Arthur and Anthony Adamson. Through a network of 17 branches across Ontario we educate and advocate for the conservation and re-use of structures, districts and landscapes of architectural, historic and cultural significance to inspire and benefit Ontarians.

Let us first say that we recognize the need for this transportation infrastructure, which will serve important communities such as Flemingdon Park and Thorncliffe Park who have struggled with bus service for generations, as well as new areas of high population concentration at Liberty Village.

We are writing to express a letter similar to the one we sent Metrolinx to outline our concerns regarding the impact of the selected Ontario Line Project on an extensive number of heritage sites along the length of the route, particularly along Queen Street, one of the City's most vibrant streets, important for the cultural life of the citizens as well as visitors. **The project makes its way through a concentration of Toronto's most significant heritage properties and heritage conservation districts, almost as if the route was chosen to inflict maximum damage.**

We conclude that the potential damage to Toronto's heritage posed by the Ontario Line warrants evaluating other route options and establishing a citizen's heritage round table to work with Metrolinx on alternative solutions to the pressing transportation needs. We strongly urge the Planning and Housing Committee to work with Metrolinx to establish such a committee.

In forming our opinion we have reviewed the following Metrolinx documents as background:

- Appendix B, Ontario Line Project, Draft Environmental Conditions Report-Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment, Prepared by Aecom Canada, September 2020

- Draft Heritage Detailed Design Report Contract RFS2019NAFCPO 214244 HDR Project 10206938 Ontario Line Technical Advisor Toronto, Ontario February 110 202 2 Meaghan Rivard, MA, CAHP , Senior Cultural Heritage Specialist
- Maps of the stations and land acquisitions available at <https://www.metrolinxengage.com/en/content/built-heritage-resources-cultural-heritage-landscapes-draft-environmental-impact-assessment>

We have also posed questions to the Public Consultation Meeting on March 1, 2022. We have written to Metrolinx to ask them to establish a Heritage Roundtable to minimize damage on heritage structures. To be effective examining alternate locations for portions of the route or stations need to be on the table.

The City of Toronto should not be fixing zoning issues along the line before the heritage impacts are fully understood.

As a volunteer organization, it is not possible to describe our concerns in full detail through the limited consultation process that has been available to us, nor in a short letter. We regret entering into comment on this project so late in the planning process, however we note that the background documents indicate comment on the impacts on heritage was sought by Metrolinx only from government bodies. No attempt was made to contact any established heritage NGO's, rather Metrolinx expected NGO's to reach out.

Our ability to understand the full impact of the project is hampered by the separation of the description of it between transit planning by Metrolinx and development planning along the line by Infrastructure Ontario.

The Ontario Line Environmental Assessment report evaluates to some extent the potential impacts on some 272 heritage properties along the route, summarized as:

“The results of this impact assessment identified 272 known or potential heritage resources in the Study Area; direct impacts are anticipated on 35 properties, potential for indirect impacts are anticipated on 126 properties, and no direct or indirect impacts are anticipated on 126 properties. Noting that some properties have more than one type of direct impact, of the properties where direct impacts are anticipated there are:

- **22 for which complete or partial demolition is anticipated**
- 5 properties where encroachment without impact to heritage attributes is anticipated
- 7 where the introduction of new elements is anticipated (5 where heritage attributes will be impacted and 2 where they will not)
- 1 where temporary relocation is anticipated
- 1 where excavation of a registered archaeological site is anticipated
- 1 property where the extent of direct impacts and mitigation measures are to be determined

The Ontario Line will have irrevocable impacts on Toronto's most significant heritage sites, including Fort York, Queen Street, East and West, Osgoode Hall, and the First Parliament Site. "Direct impacts are also anticipated for five Heritage Conservation Districts (HCDs): King-Spadina HCD, Queen Street West HCD, Riverdale HCD, St. Lawrence Neighbourhood HCD, and Garden District HCD".

The report describes impacts related to the demolitions required for stations, excavation and construction staging, and future vibration during train operation. We are concerned that we could find no commitment in the Draft Environmental Impact Assessment Report that Metrolinx will undertake condition surveys of all the relatively fragile heritage properties along the line as a baseline before construction begins so that it will be possible to identify damage caused by construction or operation activities and provide adequate compensation to property owners for damage or loss. We are also concerned that the stated objective to have development along the line repay the costs of the Ontario Line, as well as policies inviting high density projects within 800m of stations, will result in little more than token elements of Toronto's most significant heritage resources surviving to tie the city to its past.

We are particularly concerned with the impact of construction of the station entrance building on the lawn of Osgoode Hall, requiring removal and reconstruction of the historic fence and the removal of mature trees from the west lawn to accommodate the station building and to create a construction staging area. **The intrusion into this historic cultural heritage landscape is egregious and absolutely unacceptable.**

Given the potential impacts on a wide range of important properties, we recommend that an alternate route be considered. We suggest that Richmond Street could offer similar transportation benefits within easy distance to connections to TTC stations. We also suggest that a forum be created for citizens to offer ongoing comment about the heritage issues as the project evolves.

Yours sincerely,



Catherine Nasmith
OAA FRAIC CAHP
Past-President, ACO Toronto



Diane Chin
Chair, ACO Provincial

c.c.

Will Coukell, COO Architectural Conservancy Ontario, will@acountario.ca

This is Exhibit "E" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits

From: [Ontario Line](#)
To: [councillor_mihevc10@toronto.ca](#); [Brent.Gilliard3@toronto.ca](#); [Bushra.Mir2@toronto.ca](#); [Vienna.OShea2@toronto.ca](#); [Catherine.Nasmith](#); [Catherine.Nasmith](#); [Ceta.Ramkhalawansingh](#); [Marentic.Daniel\(JUD\)](#); ["Grange Community Association 1 \(ralph@grangecommunity.ca\)"](#); [Alicia.Callaghan](#); [Glover-CO,Chris](#); [Don.Young](#); [liz@campbellhousemuseum.ca](#); [Blair.Bowen](#); [Maureen.Marshall](#); [mallen6@sympatico.ca](#); [Amy.Mushinski](#); [Vuong, Kevin - M.P.](#); [Elise.Brunet](#); [Diana.Miles](#); [Sheena.Weir](#); [Simon.Di.Vincenzo](#); [AngelaDaeun.Bae@toronto.ca](#); [Crane, Mark](#); [eodonovan@osc.gov.on.ca](#); [David.Robitaille](#); [Vuong, Kevin - Personal](#); [Andrew.Walker](#); [Daniel.Cicero](#); [Bakan, Jacob \(JUD\)](#); [Elmira.Moghani](#)
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Date: August 16, 2022 1:53:37 PM
Attachments: [image001.png](#)
[Aug 9 Osgoode "follow up" notes \(1\).pdf](#)
[2022-08-09_Osgoode Community Group Meeting #2 Follow-Up.pdf](#)

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Good afternoon everyone,

Thank you so much again for joining us on Aug. 9. We truly appreciate your time, insight and advocacy for the historic Osgoode area, and we look forward to next steps.

As noted, please find the presentation deck attached and let us know if you have any questions.

Due to a technical glitch, Microsoft Teams was unable to save a recording of the meeting - our sincerest apologies. I have attached a copy of the meeting minutes to this email.

Have a wonderful afternoon.

Best,

Ross

Ross Andersen

Metrolinx | 770 Queen Street East | Toronto | Ontario
 Community Engagement & Issues Specialist



This e-mail is intended only for the person or entity to which it is addressed. If you received this in error, please contact the sender and delete all copies of the e-mail together with any attachments.

Notes

Project: Ontario Line

Subject: Osgoode Community Meeting #2 Follow up

Date: Tuesday, August 09, 2022

Location: Virtual (Microsoft Teams)

Attendees: **Elected Officials**

Tom Davidson on behalf of Coun. Mihevc
MPP Chris Glover (Spadina-Ft York)
MP Kevin Vuong (Spadina-Fort York)

Province of Ontario

James Hamilton

Infrastructure Ontario

Bradley Donohue
Alanna Myles

City of Toronto

Richard Borbridge
Derrick Toigo
Anthony Irving
Margherita Cosentino
Julia Murnaghan
Nick Holman

Ontario Line Technical Advisor

Pierce Sprague

Metrolinx

Ali Masnavi
Malcolm MacKay
Darren Cooney
Ross Andersen
Jodi Parps
Mark Clancy
Amal Mustafa
Elmira Moghani
Selim Gabra

Community Representatives

Amar Venga
Anne Fisher
Jacob Bakan
Brandon Purcell
Diana Miles
Elise Brunet
Steve Munro
Elliot Spears
Celia Johnstone
Gary Papas
Liz Driver
Daniel Marentic
Maria Simoes
Simon Di Vincenzo

Notes

- Welcome, Introductions and Land Acknowledgment
 - Mark opened the meeting, went over the agenda, and introduced the various groups and organizations on the call.
- Housekeeping
 - Mark read the land acknowledgment; Ross provides a safety moment

(Mark) Recap of July 25: Reviewed some technical elements of Osgoode station and challenges of building and integrating complex infrastructure in the area including headhouse and construction techniques.

(Richard Borbridge) COT: The city and transit expansion office are currently setting up a scope of work relating to the general ask of a third-party review. Proposal is to look at options and examined options and spell out feasibility and concerns and get into the next level of detail of where and how various scenarios fall and take a critical eye of where we can look at things objectively. The plan is to come back in the fall with a review.

(Liz) Richard, this is excellent news. Have you mutually agreed on a timeline with Metrolinx a date by which you receive the advice that Metrolinx will adapt its schedule to whatever the results may be.

(Richard Borbridge) It's still early days, timelines have not been defined, but mid-early fall is what we aim for.

(Malcolm MacKay) We will receive the report and we would welcome the comments, then evaluate and pivot as necessary and make sure we arrive at the best outcome. Time is of the essence to influence, but we have great confidence with the work we've undertaken. We'll share all information with COT to allow for a good report to be put together.

(Jacob Bakan) There's a need for the community to have confidence and to get it we need parameters set so this is an independent investigation and attention to detail.

(Borbridge) Yes, this is a consideration and it's done exclusively through COT and we will be responsible. This is a city project.

(Jacob Bakan) If it isn't independent then this will be done for nothing. That's why I am suggesting confidence.

(Liz) The scope of the third-party review isn't fleshed but I'd like to highlight the ask to suggest potential alternative configurations. The community wants to see whether there are alternative configurations, and then have them weighed up against the factors influencing decisions.

(Borbridge) I understand. I suggest we have a lot in hand of what alternatives may look like. If we get a handle of them, I think that sets the parameters for alternative proposals.

(MPP Glover) There's comfort in this direction from the city. The real question is this is a valuable heritage property, but it isn't deemed as such (the lawn, fence) My question is: what is the cost/benefit of changing the direction? Is there another way to construct this station that would save the heritage space? Will that be in your analysis? How do you weigh the value of the heritage property?

(Borbridge) I don't think there's room to do a comprehensive cost alternative. What we'll get to is a recognition of heritage impacts and taking the 'waiting' out of it. At least three options have heritage impacts. We will have a good understanding of what degree of impact to the lawn/fence each option will imply. We can look at the cost from a high-level exercise. Including significant commercial vs heritage implications.

(MPP Glover) will there be an opportunity for the community to consult during the process?

(Borbridge) I'm unsure due to procurement timelines – we'll look into it.

(Jacob) Will Metrolinx have an opportunity to give input?

(MacKay) We will not. We will provide access to our experts and TA's but no – this is a city led project.

(Diana) I commend the city that the LSO would be delighted to share our consultants with you that we've spoken to, and I encourage that.

(Richard Borbridge) Thank you happy to get in touch.

Applicability of Queen/Yonge construction techniques

(MacKay) *key points below*

"What we're doing at queen and Yonge is maintaining all north/south roads with the exception of one street we're making two-way. This is because we have large buildings on each corner going east and west and the goal is to centre the station the best we can below the existing TTC subway. OL goals and ambitions are to minimize impacts to businesses and cyclists and pedestrians and surface transit network."

"At Osgoode we found an alternative sequential excavation method was needed. If we did the same as queen and Yonge we'd have to extend the street car diversion all the way to Spadina Ave. That length is not usable for the TTC and it would be a significant body of work."

"Fact is we need headhouses. These are the areas we want to build elevators and escalators, and this is a provincial mandate for accessibility and these entrances allow for accessibility."

"Subways don't get build using stairs connecting to sidewalks today and it hampers pedestrian movements on sidewalks. We want to improve the public realm and we can accomplish that with the headhouses which are quite large and need space."

“We want to protect businesses and we have a schedule we want to protect. Right now, construction has both ends of Osgoode to the centre and it helps to build in time for rolling stock to come in and build their body of work.”

“We have many utilities on University Ave. that is a significant body of work.”

“We also need a very large laydown area required for this work. AS you can see the space required is very deep structures in order to get below line 1. That is a complex operation and requires us to not impact the existing line one. We can dig beside line 1 because it will create a lateral force and cause the subway to apply a lateral force.”

“All of these are key to deliver the project and infrastructure while maintaining pedestrian, driving, and cycling network in the COT.”

(Steve Munro) I want to correct the streetcar track option. The fact there is a gap on Adelaide isn't an issue the problem is there is a gap on Richmond which would take significant work. The real issue is you don't have tracks on Richmond, I'm supporting your position.

(MackKay) That's true Steve, but the time necessary to complete Adelaide streetcar would add to the time. Thank you, Steve.

(Liz) I would like to say the only reason were here is because we don't want to see the destruction of the Osgoode Garden. Nobody will want to look back and say “OMG... for the sake of a streetcar track.” They wouldn't save the garden. I want the city to pay for that extended streetcar track if it were to save the garden. Let us solve these problems, laying a bit of streetcar track isn't a big deal.

(MackKay) Thank you Liz. The other thing to consider is University Ave is much wider than Yonge Street so the amount of work required to implement Yonge/queen solution would leave a large unexcavated area to be somewhat unsupported and require a significant traffic impact vital to transportation network with respect to all other projects in the city. The road network will function with the queen/Yonge closure and necessary infrastructure to be built in the delivery of the OL. The plan is well-thought out. Additional closures will complicate the network and delivery schedule. Regardless, we have a need to build headhouses, even if we moved into the street we need a headhouse. It's ideally situated where transit users want to go – Osgoode Hall. Even if we did do a queen Yonge solution, we still need adequate fire life safety egress and requires a footprint and infrastructure to build a headhouse. We are confident the solution we developed (EIAR) will require us to do mitigations reinstatements and protections and a comprehensive plan to reinstate property impacted by construction. That is our plan forward. There's a thoughtful approach for a solution for a transit system here for 100 years.

(Liz) Isn't there unlimited availability for an underground concourse? Why do you need it here?

(MackKay) at Yonge and Queen we can make use of existing access and regress and provide support. Here you want it to lead to line one and the OL and it creates good transfers and creates abilities for where people want to go.

(Steve Munro) Why is Simcoe headhouse smaller than University headhouse?

(Malcolm Mackay) we have a main entrance with 2 elevators, and we have a primary ridership through this site. We also are housing back-of-house- in this keyhole.

(Steve Munro) the space that is needed for vertical circulation isn't all the space as shown as required for the east tower structure.

(Malcolm Mackay) Right.

(Mark Clancy) any more questions?

(Liz) Is this all the information that's being shared? Is this all the presentation for tonight?

(Mark Clancy) Yes. We wanted to talk about the 3rd party review, previous meeting and more about construction solutions at Queen and Yonge.

(Liz) Was it an error in July 25 to suggest that the tunnel boring machine will go in and out of Osgoode

(Malcolm Mackay) We are in the throes of confirming construction techniques with 1st negotiating partner. There are different options and that's all going to be well understood in a time frame ahead of us around the same time as the 3rd party evaluation.

(Liz) You don't know what needs to go up and down and you can't clarify the size of hole.

(Mackay) Explains reference design... we put forward restrictive conditions. In this instance we would insist that road closures do not occur here. We stick to reference design and contractor doesn't implement more impact designs. Did we anticipate we'd pull equipment out of this entrance? Yes. Spoils and materials will come out of this keyhole and there's an opportunity for the contractor to extract a tunnel boring machine here or follow through different options. It won't affect the size of the keyhole needed or vertical circulations needed.

(Liz) MX is saying they don't want the roads close? But it's an open question if the COT could do it if it meant saving Osgoode Garden.

(MacKay) building the subway doesn't negate the need for the headhouse. We still need the northeast corner and has good transfer between network and subterranean network. Putting in the street doesn't eliminate the impact to Osgoode Hall. I'm being honest there's a great deal of work going on into the sighting location and angst in all parts having impact to Osgoode Hall, it wasn't a desired outcome. We looked at all options and restrictions and we have tried to define a solution that despite it's impact we can mitigate and with time the reinstatement of the grounds will be back to a lush environment. Minimize impact to heritage structures along the whole alignment.

(Liz) changing the dimensions of the keyhole and using whether you investigated, or comments are with respect to headhouse and circulation using full space from queen to further north with an expanded east boulevard.

(Malcolm MacKay) We looked into this early on and it was going to require us to change University Ave. require a significant level of input from COT and require us to do a significant excavation on both sides of line 1 regarding earth pressure and vehicle loads that want to push the subway into the open excavation it's possible from an engineering perspective but the impact to university ave would be significant and traffic would be significant and when looking at these things, the ability to reinstate the heritage impact all of those are going to be publicly available and we will consult with those. There is an active discussion of reinstatement of the fence. Discusses fencing possibilities...

(Liz) The previous minister of heritage (previously) before the public consultation was complete was incorrect. The plan that MX has to mitigate the damage to the garden by MX's admission cannot replace all the mature trees growing there. The community doesn't buy the MX mitigation and we need to find a solution to save the garden. That minister should recognize that the heritage value lies with what community finds is the value. In this case it's the undisturbed garden. I am so sorry this is happening in the summer when people are away.

(Ralph) I want it to say directly that none of those costs would come close from what we would get from retention of Osgoode gardens. We really want that forest to remain, then I think that's a political decision to be made. It's not possible to ever effectively mitigate the loss of those trees.

Next steps:

(Mark Clancy) Malcolm made it clear we will support the COT on their review and thank you very much for the COT for providing that update. Our next update will be around that 3rd party review when it is ready for sharing so in meantime, please reach out to us and we will get back to you with any information you need. We will eventually structure our CLC and most likely organize those meetings later in the fall. Might need a separate meeting to build terms of reference and what we will focus on.



Ontario Line

Osgoode Station Community Meeting #2 follow-up

AUG 9, 2022

Agenda

- Welcome
 - Introductions
 - Land Acknowledgment
 - Housekeeping
- Discussion
 - Recap of July 25 Community Meeting
 - Third party review of Metrolinx's proposed option for Osgoode
 - Acknowledgment of Sir William Campbell Foundation letter
 - Applicability of Queen/Yonge construction techniques at Osgoode
- Next Steps

Land Acknowledgment

Let us take a moment to acknowledge we are on lands that have been, and continue to be, home to many Indigenous Peoples including the Anishnabeg, the Haudenosaunee and the Huron-Wendat peoples.

We are all Treaty people. Many of us have come here as settlers, as immigrants or involuntarily as part of the trans-Atlantic slave trade, in this generation, or generations past.

We acknowledge the historic and continued impacts of colonization and the need to work towards meaningful reconciliation with the original caretakers of this land.

We acknowledge that Metrolinx operates on territories and lands covered by many treaties that affirm and value the rights of Indigenous communities, Nations and Peoples.

We understand the importance of working towards reconciliation with the original caretakers of this land. At Metrolinx, we will conduct business in a manner that is built on a foundation of trust, respect and collaboration.

Tips for Virtual Community Meetings

To help this meeting run as smoothly as possible, please:

- Remain muted at all times, unless you are called upon
- Questions will be taken in the order they are received
- Please use the "hands up" icon to raise your hand to speak
- Please be respectful to all meeting participants
- Please allow all people the chance to speak before taking a second turn
- Video is encouraged, but not required

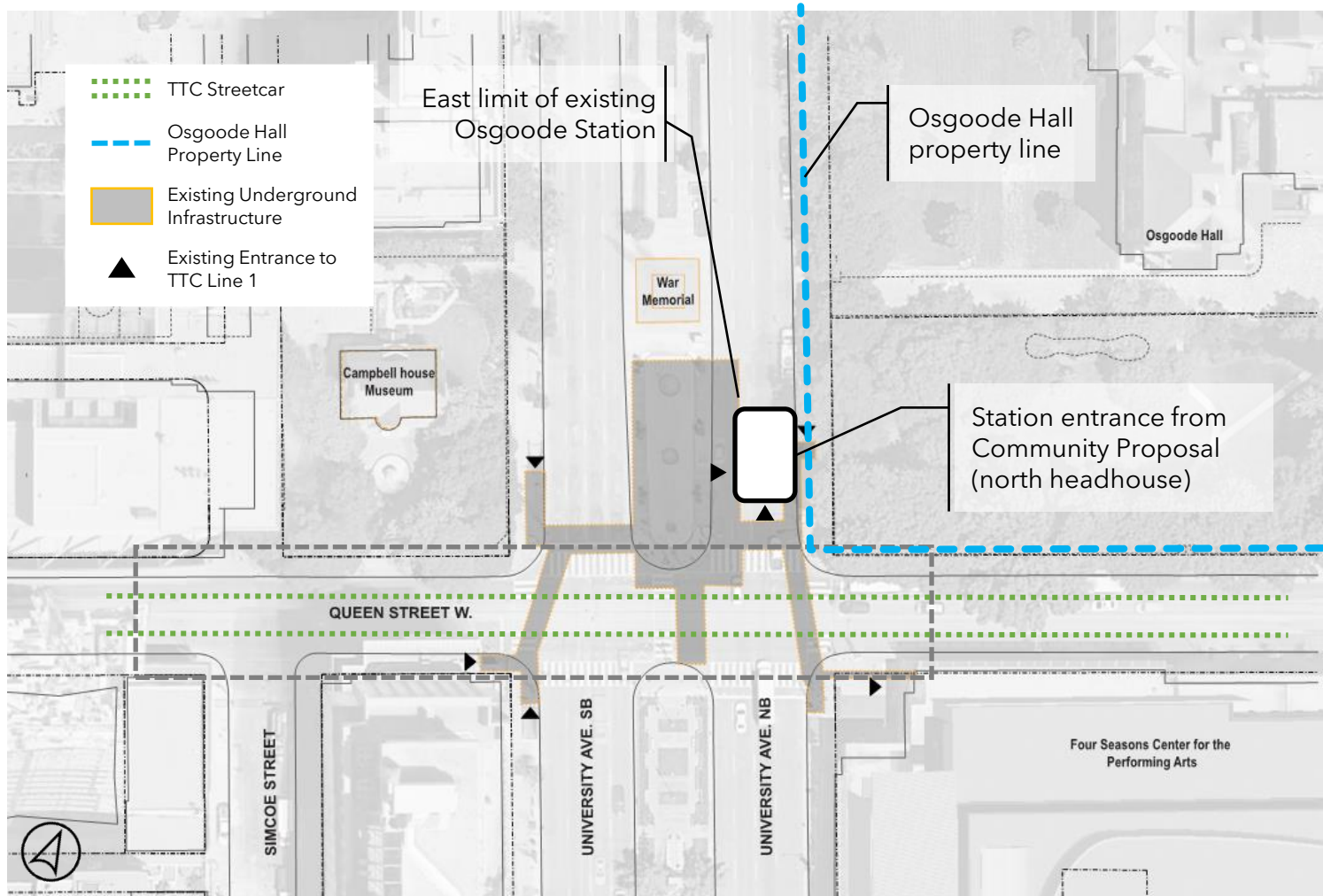
Recap of July 25 Community Meeting

Recap of July 25 Community Meeting

- Explore the flexibility of various construction elements that could potentially move the Osgoode station north headhouse off the Osgoode Gardens.
- Construction techniques planned at Queen/Yonge for the Queen station, and if similar techniques could be employed at Osgoode (particularly the use of Queen Street for construction).
- Desire for an independent, third-party review of Metrolinx's evaluations at Osgoode.
 - The City of Toronto is commissioning a third-party consultant to review.

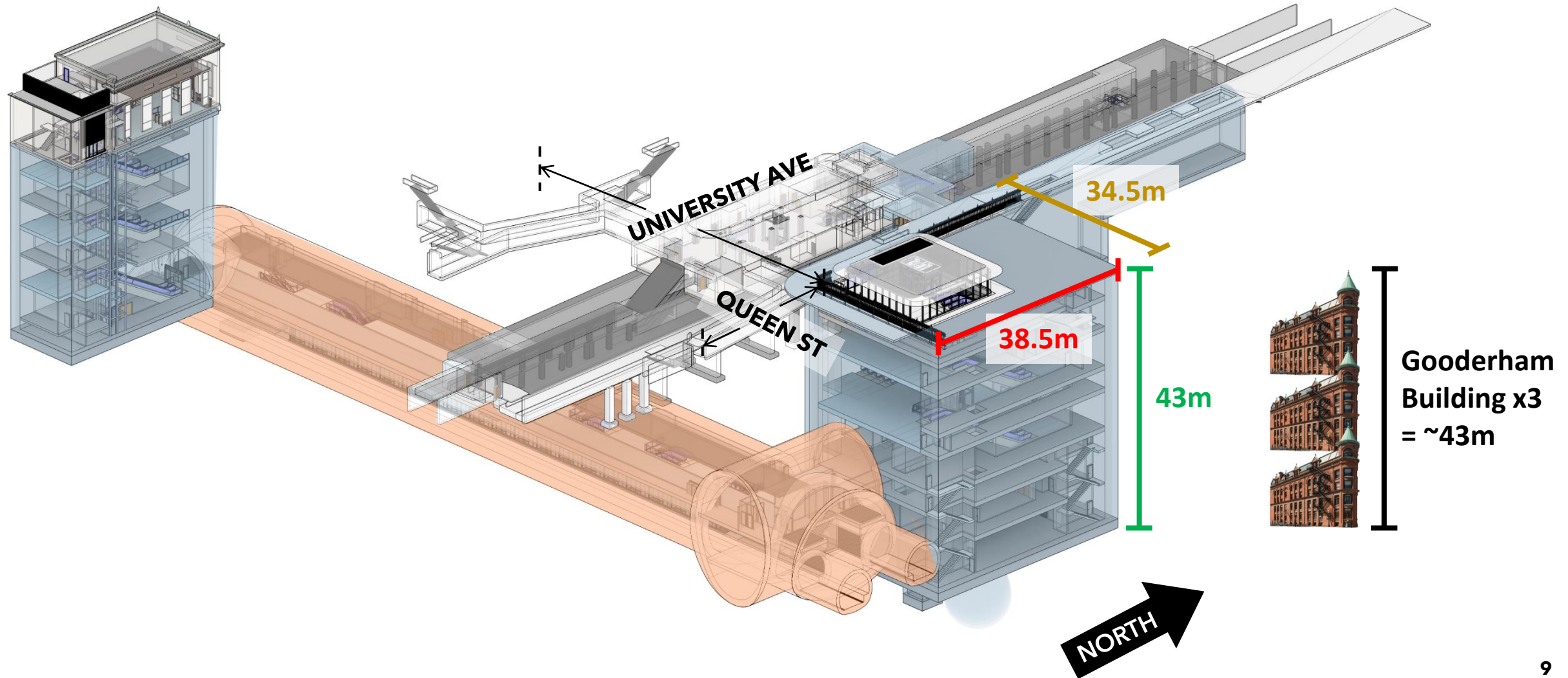
Applicability of Queen/Yonge Construction Techniques at Osgoode

Construction Constraints at Osgoode versus Queen

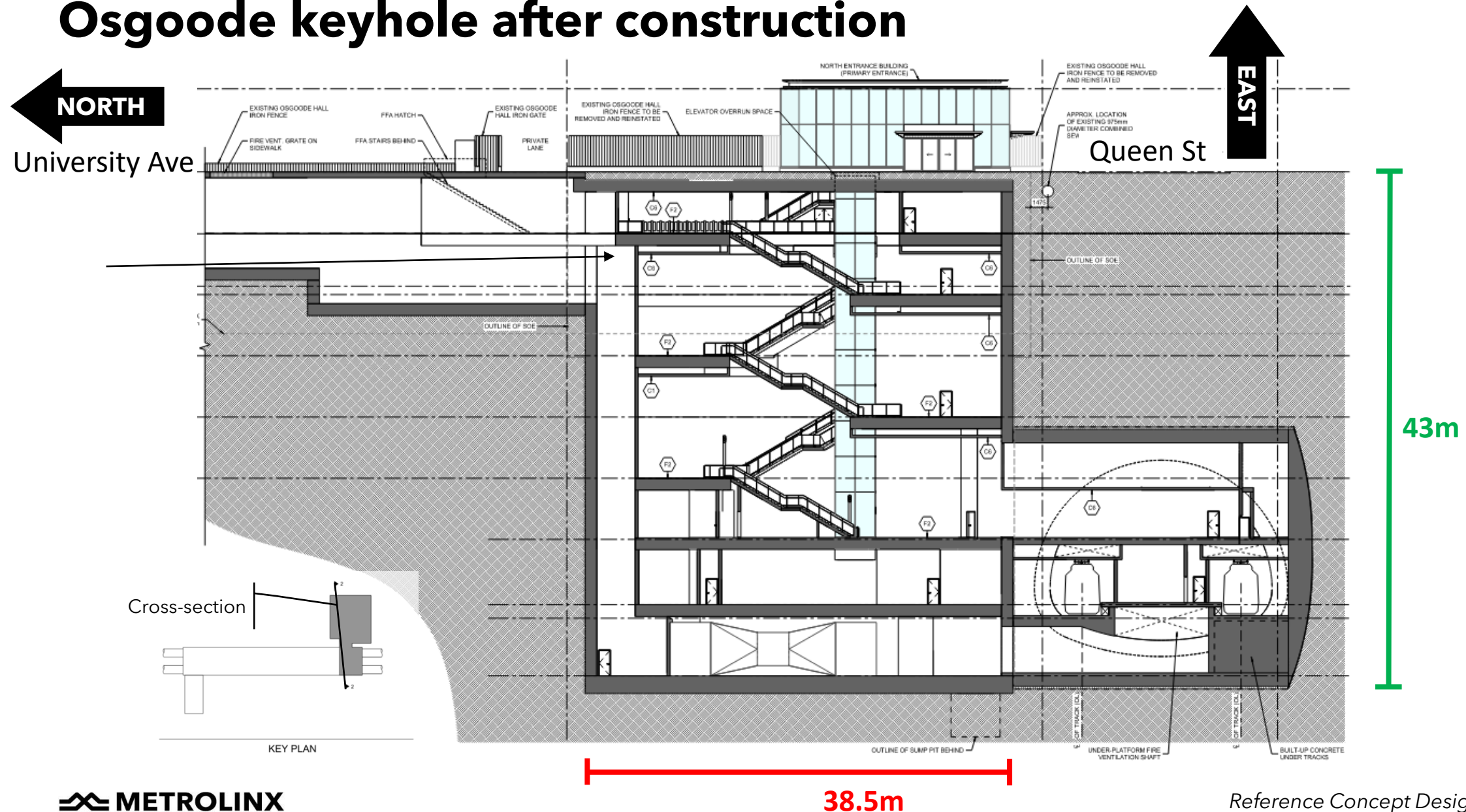


- The presence of TTC Line 1 structure is the constraint with respect to relocating the headhouse and open cut excavation in the middle of University Ave.
- The presence of streetcar prevents the closure of Queen St and University Ave. (TTC streetcar rerouting would have to go further west to tie in with Queen detour.)
- The median already acts as a construction area, so a laydown area is not possible there. Options were looked into to place entrance on the median, but the existing TTC station blocks this approach.
- There are no escalators and/or elevators at Queen station at grade, unlike at Osgoode station head house, because all access to Queen station is via the existing buildings and so there is no room for a head house at Queen Station.
- Additional Utilities around this area need to be relocated (including Toronto Hydro, water main, sanitary, and gas lines).

Osgoode Station: Keyhole Dimensions



Osgoode keyhole after construction



What's Next

Next Steps

- Support the City on the independent, third-party review of Osgoode station
- Convene first official meeting of Osgoode CLC for ongoing, structured engagement:
 - Determine meeting cadence, logistics, etc.
 - Receive feedback on Draft Terms of Reference
 - Share further details about upcoming work once contractor onboarded for Queen-Osgoode Advanced Works
- Future updates to share at Osgoode CLC meetings include:
 - Share findings from arborist report
 - Engage community on development of Landscape Management Plan and Interpretation and Commemoration Plan for Osgoode Hall, University Avenue and the surrounding area



This is Exhibit "F" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits



160 Queen Street West
Toronto M5H 3H3

Malcolm MacKay, Sponsor, Ontario Line

November 20, 2022

Dear Mr MacKay,

Re: Metrolinx plan to remove Osgoode garden trees BEFORE third-party review

The Sir William Campbell Foundation has learned that Metrolinx notified the Law Society of Ontario that it intends to begin cutting down trees in the Osgoode garden, beginning on December 5. Such a unilateral action would fly in the face of Metrolinx's prior commitment to the City and to the community, that it would support the City's third-party independent review of Metrolinx's plan for Osgoode station (Metrolinx slide decks, August 9 and 23, 2022). The commitment was also captured in the Metrolinx minutes for August 9:

"We will receive the report and we would welcome the comments, then evaluate and pivot as necessary and make sure we arrive at the best outcome." (Malcolm MacKay, minutes, p 2 of pdf).

"Malcolm made it clear we will support the COT on their review and thank you very much for the COT for providing that update. Our next update will be around that 3rd party review when it is ready for sharing" (Mark Clancy, minutes, p 6 of pdf).

The Foundation understands that the third-party review has been commissioned by the City, but it is not yet delivered by the consultant firm.

The removal of the Osgoode trees, beginning on December 5, would cause irreversible damage to the historic urban forest at the northeast corner of University & Queen. Any "advance works" in the Osgoode garden before City Council receives and responds to the third-party review are premature.

By way of this letter, the Foundation requests that Metrolinx:

1. pause the irreversible removal of trees on December 5 until City Council has received and responded to the third-party review; and
2. organize a community meeting (#3) to discuss the matter.

Sincerely,

Liz Driver, on behalf of the Sir William Campbell Foundation



**CHRIS
GLOVER**

MPP Spadina—Fort York
Député provinciale de Spadina—Fort York

95

Mark Clancy
Senior Manager, Community Engagement (Subway Program)
Metrolinx
Via email to: mark.clancy@metrolinx.com

November 25, 2022

Dear Mr. Clancy,

I am reaching out regarding the recent news about the possible removal of five historic trees on the Osgoode Hall grounds on December 5th.

I have heard from many concerned community members who are strongly opposed to the removal of these trees as it is the last remaining green space in that part of downtown core. I am formally requesting that Metrolinx wait for the results from the City of Toronto's third-party review before any further decisions are made on this property.

We have been informed that the removal of the trees is required as part of the site testing of the property. Removal of the trees presupposes the outcome of the review – it assumes that another viable site for the station, one that protects the Osgoode lawn and heritage fence, will not be found.

There may be feasible alternatives and, in order to build trust in our community, it would be in Metrolinx's best interest to investigate other options to removing the trees on the Osgoode property.

Your prompt response to these inquiries is appreciated.

Sincerely,

Chris Glover
MPP Spadina-Fort York

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Toronto

Outcry grows against Metrolinx plan to cut down trees at Osgoode Hall, but start date is 'tentative'

'It's an affront to the city,' curator of neighbouring museum says of work for Ontario Line

[Muriel Draaisma](#) · CBC News · Posted: Nov 22, 2022 8:32 PM EST | Last Updated: November 22, 2022



A tree on the grounds of Osgoode Hall in downtown Toronto. Metrolinx has indicated to the Law Society of Ontario that it plans to cut down five trees at Osgoode Hall in preparation for work on the Ontario Line. (CBC)

[comments](#)

Opposition is growing to a proposal by Metrolinx to cut down five trees on the grounds of one of the most historic public buildings in downtown Toronto, with one critic calling the plan "an affront to the city."

The provincially-owned regional transit agency has said it wants to get started felling the trees outside Osgoode Hall on Dec. 5, according to the Law Society of Ontario, although Metrolinx says that is a "tentative start date."

In a statement on Tuesday, Metrolinx said it indicated to the Law Society in a draft edition of a community notice that it has to remove the trees to conduct an archeological assessment of the property, located at University Avenue and Queen Street West, for a new Ontario Line subway station at Osgoode Hall. But the transit agency said its plans are subject to change.

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"Work plans for the area are still being confirmed and discussed with partners. Once they are confirmed, we will share them with the community," Metrolinx said in the statement.

Metrolinx said it continues to communicate with the Law Society and it plans to host a community meeting in the coming weeks to provide an update on its plans for the Ontario Line Osgoode station.

"Once those trees come down, this beautiful oasis in the downtown will be gone forever," Liz Driver, director and curator of the Campbell House Museum across the street, told CBC Toronto on Tuesday.

"There is absolutely no need to cut them down now. They're a long way from beginning the construction of the Ontario Line. It's irreversible. It's an affront to the city, to the mayor, to the community, and to anybody who cares about this precious downtown space."

The Ontario Line is a new 15.6-kilometre rapid transit route slated to cut through downtown from the Ontario Science Centre to Ontario Place.



Liz Driver, director and curator of the Campbell House Museum across the street, says: 'Once those trees come down, this beautiful oasis in the downtown will be gone forever.' (Paul Borkwood/CBC)

Wynna Brown, spokesperson for the Law Society, said Metrolinx should not proceed until the city receives and responds to an independent review of alternative designs for the new station and the community is consulted.

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"Metrolinx has indicated that it plans to remove five trees on the property, which would cause irreversible damage to the grounds and the historic urban forest — all of which have been carefully preserved in the heart of the city for more than 200 years," she said in an email.

"This unexpected news is highly concerning, given that Metrolinx previously committed to support a third-party independent review of alternative designs for the new Ontario Line station at Osgoode Hall."

- **Metrolinx could have saved old growth trees in Toronto ravine by moving them, expert says**

The trees border a wrought-iron fence built in 1867. Osgoode Hall, its fence and grounds are designated under the Ontario Heritage Act. The Law Society says the area is an "important greenspace in the core of downtown Toronto." It is the oldest continuously used institutional property in Toronto, it said.

According to Brown, the trees to be chopped down are in the lawn's southwest area. She said if they come down, at least 20 others will have to come down as well, according to Metrolinx's plans. The trees include maple, elm, horse chestnut, ash, linden, crab apple, oak and pine, she said. There will be loss and damage to urban wildlife habitat, including migratory birds, she added.



A drone shot of the trees at Osgoode Hall, which the Law Society of Ontario calls an important greenspace in the core of downtown Toronto.' (CBC)

Mayor John Tory, for his part, has met with Metrolinx about its Osgoode Hall plans after raising concerns earlier this year and will follow up with the agency again, Don Peat, spokesperson for

the mayor, said in a statement on Tuesday.

"Before any trees are removed by Metrolinx, we want to see the City of Toronto's independent review of the Osgoode Station site. We would expect that report will be public and we further expect that Metrolinx will discuss all its plans publicly before any work is undertaken," Peat said in the statement.

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"Mayor Tory has a mandate from voters to get transit built, including the Ontario Line, but he will be advocating throughout this process for Metrolinx to be respectful of the communities around these projects."

- [Toronto community groups demand more input on transit projects at Queens Park protest](#)

As for the city, it said the proposed site for the new Osgoode Station is on land that will be "fully owned" by the province but the city has not received any requests or issued any permits for tree removal on the site.

The city added that it has retained consultants to do a review of alternate locations to determine if there are possible locations for the station entrance and it expects to have the report back by the end of the year and to share it with Metrolinx.

Mike Schreiner, leader of the Green Party of Ontario, told reporters at Queen's Park on Tuesday that Metrolinx has an obligation to "explore all possibilities" and the province should do whatever it takes "within reason" to protect the trees.

"It's my understanding that there's been alternative proposals put forward how those trees can be protected by changing the design and placement of the particular transit stop at Osgoode."

With files from Tyler Cheese, Chris Glover and Jasmin Seputis

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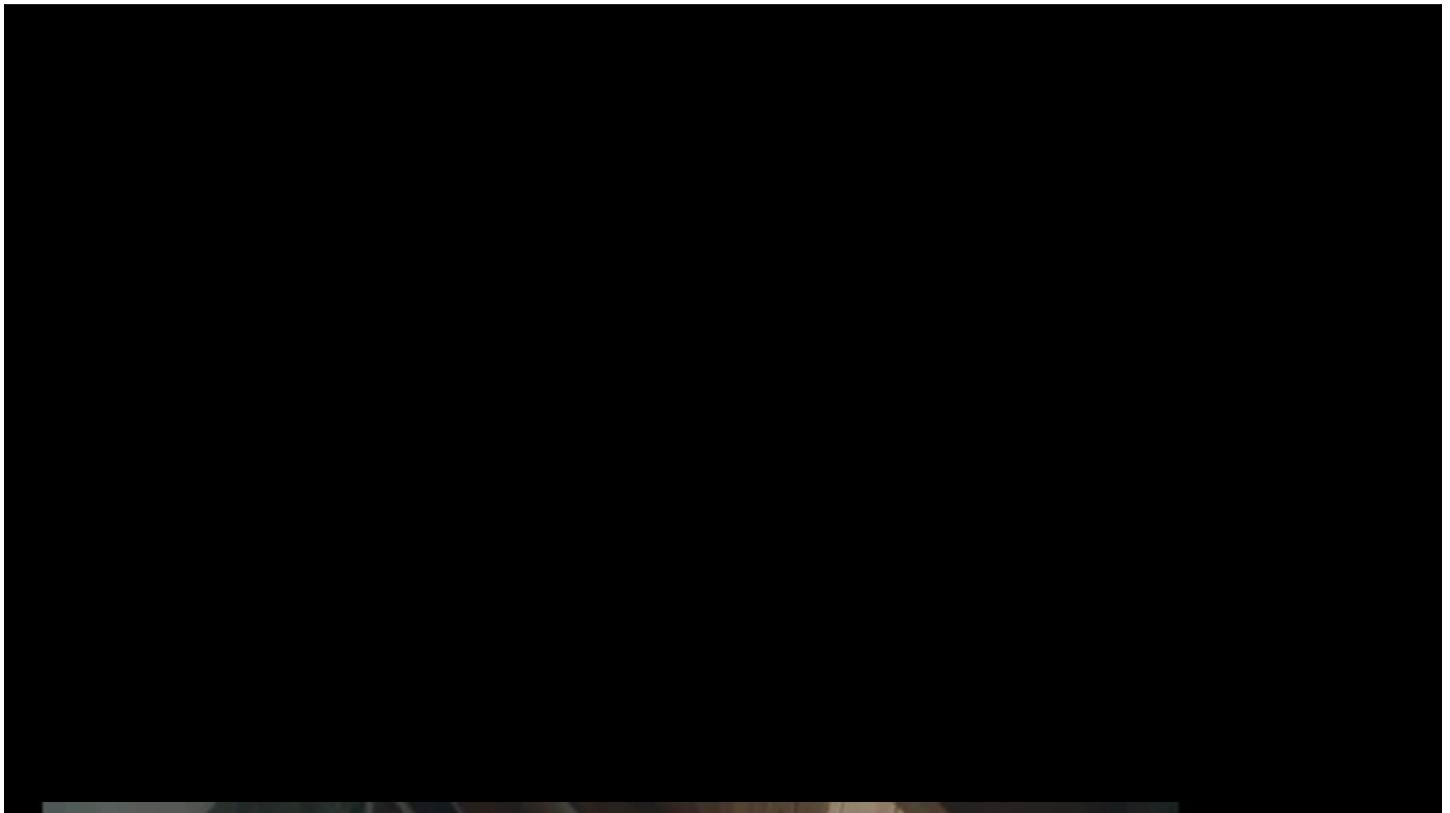
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POLITICS

Metrolinx plans to chop down historic Osgoode Hall trees, skipping review

By **Matthew Bingley** • Global News

Posted November 22, 2022 7:40 pm



WATCH: Despite saying it would wait for the results of an independent review of controversial plans to build a subway station on the edge of a historic Toronto property, Metrolinx has announced it plans to chop down five centuries-old trees. The move faces fierce opposition. Matthew Bingley reports – Nov 22, 2022



They survived centuries of development and change in the heart of **Toronto**, but the days are numbered for five historic trees at the edge of **Osgoode Hall's** grounds after **Metrolinx** suddenly axed its commitment to wait for a third-party independent review of a new subway station.

Metrolinx, the province's Crown corporation responsible for transit expansion, already ruffled feathers when it announced it planned to build a subway station for the new **Ontario Line** on the iconic Osgoode Hall grounds on the north-east corner of Queen Street West and University Avenue.

READ MORE: [GO Transit workers vote to ratify new agreement](#)

But after the plans raised the ire of many, including Mayor **John Tory**, the transit agency committed to support a third-party independent review for alternative designs for the station.

STORY CONTINUES BELOW ADVERTISEMENT



A Metrolinx rendering of its planned Ontario Line subway stop. **Source: Metrolinx**

That consultation has not been completed, but Metrolinx has indicated that it plans to remove five trees from the corner of the property as early as Dec. 5 to accommodate an archaeological assessment of the property. No one from Metrolinx agreed to an interview with Global News, but a spokesperson said in a statement the transit agency “is looking forward to the City of Toronto’s independent review of the technical details regarding the future Osgoode Station location.”

READ MORE: [Court orders temporary stop to provincial demolition of downtown Toronto heritage buildings](#)

Osgoode Hall is the oldest continuously used institutional property in Toronto and it, along with its 1867 heritage fence and the grounds surrounding it, are designated under the Ontario Heritage Act and have been recognized as one of Canada’s most significant heritage assets.

STORY CONTINUES BELOW ADVERTISEMENT



City of Toronto Archives, Fonds 1231, f1231_it0769

Osgoode Hall circa 1913. **City of Toronto Archives**

The Law Society of Ontario was informed by Metrolinx that the tree clearing would begin on Dec. 5 or possibly earlier, which its Director of Communications Wynna Brown said would cause irreversible damage to the grounds and the historic urban forest. "It is the Law Society's position that tree removal or any other invasive work should not proceed until City Council receives and responds to the study and the community is fully consulted," said Brown in an email to Global News.

Trending Now

Young couple who danced in viral video handed lengthy jail sentence in Iran



'Dances with Wolves' actor arrested, accused of running sex cult, abusing young girls



READ MORE: [Protection sought for historic buildings in Ancaster's village core](#)

It's a view shared by the office of Toronto's mayor.

"Before any trees are removed by Metrolinx, we want to see the City of Toronto's independent review of the Osgoode Station site," said Don Peat, deputy chief of staff for Mayor John Tory in a written statement. Peat said Mayor Tory will be meeting with Metrolinx in the days ahead to reiterate the Crown corporation is expected to be respectful of the communities around its transit projects.

STORY CONTINUES BELOW ADVERTISEMENT

"It's certainly not helpful for them to say that they're willing to do an independent third-party study on whether this is the right location, but then cut the trees down first," said Erin O'Donovan, president of the Toronto Lawyers Association. "That really is bad faith and we really would encourage Metrolinx to approach their plans in a more constructive way."



Erin O'Donovan, president of the Toronto Lawyers Association, accused Metrolinx of acting in bad faith with its plans to chop down trees. **Matthew Bingley/Global News**

O'Donovan is among many members of the province's legal community who want the transit agency to move the stop to a location where it wouldn't

damage the city's heritage. "It is one of the few green spaces in Toronto and I think we should really fight for it," she said.

READ MORE: [City announces plans for park in downtown Toronto as part of new development](#)

She said Metrolinx has settled on Osgoode Hall grounds because it has come to the conclusion it is the easiest and hasn't given enough consideration to other areas that wouldn't require the tearing down of centuries-old trees. "They're conflating what is easy, with what is feasible," she said, adding that the groups opposing the location aren't opposed to transit expansion.

STORY CONTINUES BELOW ADVERTISEMENT



City of Toronto Archives, Fonds 1128, Series 380, Item 355

Osgoode Hall and its trees, pictured here in the 1950s, managed to survive the brutalist architecture movement. But now transit expansion appears to be ending its run as an untouched green space in the heart of the city. **City of Toronto Archives**

The loss of the trees is also raising concerns among the city's historical community, including Morgan Cameron Ross, who hosts the Old Toronto Series. "This is a slippery slope. Sure we allow five, ten trees to go missing, but this is an important space, an important block, an important building," said Ross. "So if we allow these trees to go, what is next?"

Metrolinx plans to chop down historic Osgoode Hall trees, skipping review - Toronto | Globalnews.ca

Metrolinx said it plans to host a community meeting in the coming weeks and that while it has announced plans to remove the trees, those plans could be subject to change.

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Metrolinx issues notice to cut down trees at Osgoode Hall for Ontario Line

Dec. 5 is a tentative start date for Ontario Line-related construction work at the site of Osgoode station, according to Metrolinx.

Nov 22, 2022

Mark McAllister and Nick Westoll



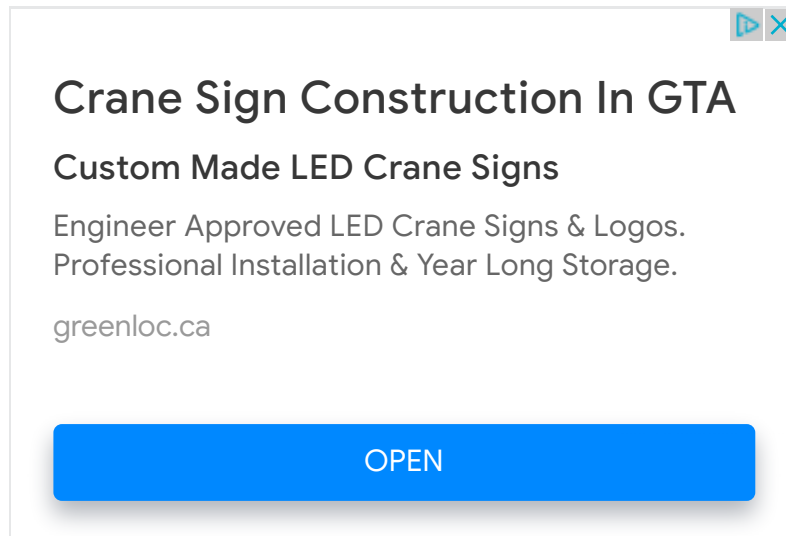
The affected trees on the Osgoode Hall property are at the northeast corner of University Avenue and Queen Street West. The Law Society of Ontario said Metrolinx told the organization Ontario Line crews could begin removal on Dec. 5 or sooner. CAMPBELL HOUSE



As work continues ahead of major construction beginning on the Ontario Line, concerns about the potential removal of mature trees and heritage fencing at a downtown Toronto station site are once again at the forefront.

According to a statement issued by staff with the Law Society of Ontario, Metrolinx — the provincial transportation agency overseeing the consortium building the [15-stop, 16-kilometre subway line](#) — advised tree clearing at Osgoode Hall will begin on Dec. 5 or possibly sooner.

“Metrolinx has indicated that it plans to remove five trees on the property, which would cause irreversible damage to the grounds and the historic urban forest – all of which have been carefully preserved in the heart of the city for more than 200 years,” the statement said.



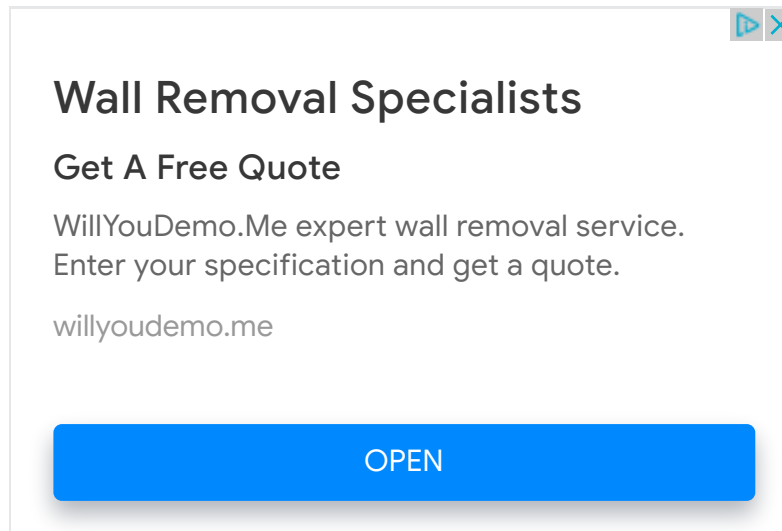
“The Law Society is committed to working collaboratively with all levels of government to help balance the complex needs of Toronto and the region while ensuring the care and preservation of this important landmark. We are also committed to fulfilling our responsibility as stewards of the historic Osgoode Hall and its grounds.”

In May, plans were revealed to build a station entrance at the northeast corner of University Avenue and Queen Street West where the mature trees currently fill the space. The grounds and the heritage fencing in place date back to the time of confederation in 1867.

The move to build the station at that particular location prompted blowback from community members.

Don Young, a spokesperson with the Grange Community Association, said it would be “ridiculous” to damage the historical site.

“If they go ahead with taking down the trees, there are people in the community that are willing to chain themselves to the trees. But I hope it doesn’t go that far,” he told CityNews on Tuesday.



An alternative put forward would see the station entrance located on part of University Avenue instead.

RELATED: Community groups propose new vision for Osgoode Station, pan Metrolinx plan

“The easiest way from the beginning for Metrolinx was to dig up the Osgoode Garden and put all of their escalators and elevators and everything else there, which would mean that you would never have mature trees in a large part of that garden again,” Liz Driver, the director of the [Campbell House Museum](#), told CityNews.

“Expand the pedestrian area to the west of the Osgoode fence, which is a bonus for everybody and use that as an area to adapt the Metrolinx infrastructure so it can fit within this area.”

An independent review of the proposal was put in place by the City of Toronto, a move that Metrolinx seemingly backed. It’s slated to be presented to Toronto city council in the first part of 2023.

At its [June 15 meeting](#), Toronto council approved a series of zoning changes for properties along the Ontario Line route. Included in the report were directions for the Osgoode station site.

In addition to conveying council's "significant concerns" about the Osgoode Hall lands, the body directed city staff to meet with Metrolinx about an alternative location put forward by community members in order to "avoid impacts on built and cultural heritage and the loss of publicly accessible greenspace and mature trees on the Osgoode Hall grounds."

Newly elected Ward 10 Spadina–Fort York Coun. Ausma Malik said she wrote to Metrolinx asking the agency to hold off on removal until the agency and city council can look at that review.

"In our downtown communities, we need transit and we need greenspaces and I strongly believe that we can build transit and protect to our greenspaces," she said.

A City of Toronto spokesperson told CityNews on Tuesday the municipality hasn't issued permits to remove trees on the Osgoode Hall property, but in August permission was given to take out smaller trees on the right-of-way and median in order to relocate utilities ahead of construction.

"The City recognizes both the vital need for transit expansion while balancing the needs of the local community and preserving the environment and heritage value," the spokesperson wrote.

They said the independent review is due to be submitted to the City by the end of 2022.

RELATED: Thorncliffe Park members angry over plan for Ontario Line train facility in neighbourhood

A statement issued by a spokesperson for Mayor John Tory's office said they are waiting for the results of that review, adding they want to see it released publicly and before construction work occurs.

"The mayor has met with Metrolinx about Osgoode Hall after publicly raising concerns with their plans earlier this year and we will be following up again in the days ahead," the statement said.

"Mayor Tory has a mandate from voters to get transit built, including the Ontario Line, but he will be advocating throughout this process for Metrolinx to be respectful of the communities around these projects."

CityNews contacted Metrolinx on Monday to ask about the notice to cut the trees. Staff with the agency sent a statement after the story aired on CityNews. It said plans for the area are "still being confirmed and discussed with partners" and once confirmed staff "will share them with the community."

Advertisement

The statement said the Law Society of Ontario is among the entities being communicated with. It added [a public meeting](#) will be held "in the coming weeks" to share updates on Osgoode station.

Officials said an archaeology assessment on the property will see five trees removed.

Meanwhile, Dec. 5 remains a tentative start date for work at the site.

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STAR COLUMNISTS

OPINION

Can anyone stop Metrolinx from toppling precious trees — again?

Metrolinx had in the summer committed to hold off with the buzzsaws at Osgoode Hall until the review was completed, writes Rosie DiManno. Then, last month, the agency said bugger that.

By **Rosie DiManno** Star Columnist

Mon., Dec. 5, 2022 |  5 min. read

I think that I shall never see

A poem as lovely as a tree ...

American poet Joyce Kilmer wrote “Trees” five years before he was killed fighting in France during the Great War. It was an ode to the wonder of trees and the inability of art created by humankind to replicate the beauty of nature.

Metrolinx doesn't have a scintilla of poetry in its bossy-boots bureaucratic bones. Nor does it give a toss for trees.

It will hang trees, given half a chance — possibly when nobody's looking, bulldozers smashing everything underfoot and overhead while you are sleeping. Excavating them by their roots to plow through toward construction of a new Ontario Line subway station, despoiling the gracefully landscaped grounds around Osgoode Hall.

Toronto has some 11.5 million trees. So what's [the big hullabaloo](#) over five individual trees slated for the gallows from a grove that includes linden, ash, maples, chestnut and elm species? Because the mature growth, upwards of two centuries old, matters. They are beloved things. Friendly, peaceful, beautiful totems adjacent to the canyon corridor of University Avenue and Queen Street, and amidst the hurly-burly traffic mayhem of the inner city.

On a bright Sunday morning, within the wrought-iron fence perimeter, they look welcoming even in their late autumn nakedness, several cheerfully swathed in tulle bunting and yellow ribbons, signifying historical designation. Shed dry leaves crunch underfoot. Birds twitter, squirrels scamper.

Not only is a quintet of victims in the limited downtown green space under threat, though. So are venerable urban forests and woodland copses across the city, across the GTA, because urgent transit needs must.

From parklands decimated due to the Metrolinx decision to run the Eglinton Crosstown LRT above ground through the Eglinton Flats instead of tunnelling, to mature trees already felled in the handsome Small's Creek ravine to facilitate expansion of the Lakeshore East Corridor, to the 56 healthy trees at the south end of Moss Park, slated for the gallows — again, because of the Ontario Line. Metrolinx, a fiefdom unto itself, is obdurate to the rack and ruin, certainly turning a deaf ear to community coalitions, environmentalists and Indigenous groups, despite some leaders' vows to physically defend the trees should it come to that: stop the chop.

We climb trees in childhood, swing from trees on inner tubes, loll in hammocks tethered to trees, enjoy shade under cover of trees, carve hearts of youthful love into trees, hug trees targeted for annihilation by rampant ravaging from land development.

“Vandalism” is how one transit expert described what had been — might yet still be — in store for the leafy landmarks.

Oh sure, Metrolinx last week backed down — a temporary reprieve — from the destruction of a sylvan urban patch that had been scheduled to begin Monday. Boffins at Metrolinx, a provincial Crown corporation, grudgingly hit pause, pending the outcome of an independent design review ordered by the city. But you’d be foolish to believe the widely distrusted transit authority will back off its plans, or pivot in any meaningful way from a harshly criticized scheme to remove five trees (which could ultimately mean many more eradicated, possibly up to 20) to make room for a 41-metre-by-28-metre test pit to conduct an architectural assessment of the property. That’s just the first gouge.

After all, Metrolinx had in the summer committed to hold off until the review was completed, which could happen by the end of the year. Then, last month, the agency said bugger that; the tree-kill was reinstated for Dec. 5. And now they’re back to OK, fine, stay-of-execution for the moment. There’s nothing, however, that would compel Metrolinx to abide by the report’s recommendations and they know it.

“The next thing that should happen is that the independently commissioned report, on how you can do this ... in a better way than interfering with this precious 200-year-old heritage property including the trees, will come out,” Mayor John Tory tells the Star. “And that should be followed by a genuine sit-down between Metrolinx, the Law Society” — which co-owns Osgoode Hall — “the city and a whole bunch of people that are interested.

“We didn’t commission that report so that it could be used as a doorstep or so that it could be followed a few minutes later by people coming out from behind a bush and starting to dig up the Osgoode Hall premises.

“They do have a mandate to get the transit built and we all support that. We need it sooner rather than later. But that doesn’t mean that you flip the bird to city officials or to the Law Society. You try to get this done in a way that reflects everybody’s needs — the needs of those who want transit and also the needs of those who are concerned about preserving our heritage and making sure that green space is protected.”

The 15-stop Ontario line, announced by Queen’s Park in 2019, is one of four Metrolinx priority transit projects — the largest single expansion in Toronto’s subway history, bringing 15.6 kilometres of much-needed subway service to the city, running from Exhibition Place to the Ontario Science Centre.

Metrolinx has thus far stuck to its guns for a new subway station at the northeast corner of University/Queen — right in the Osgoode Hall wheelhouse, and tough titties. Nobody is happy about this but, in its powers of omnipotence, Metrolinx has given zero shrift to alternate proposals, including a suggestion to remove northbound traffic lanes on University to create a pedestrian plaza west of Osgoode Hall where the station entrance could be built.

They still love that open space around Osgoode, does voracious Metrolinx; easy to construct a shaft for access to underground construction. Thus Metrolinx continues to megaphone a sense of timetable urgency, which is entirely phoney. Keep in mind this is the same outfit responsible for the maddening and colossally disruptive delays in the Eglinton Crosstown LRT, begun in 2011, supposed to be finished in 2020, then promised for the end of 2022, and now — fingers crossed — prolonged for at least another year.

Don’t look to Queen’s Park for amnesty for those trees at Osgoode Hall. Premier Doug Ford has never eyeballed a slice of nature that he didn’t covet for development, as his profiteering pals line their pockets. Hence the indefensible plot to remove some 3,000 hectares of land from the protected Greenbelt for encroaching housing projects. Meanwhile, the city doesn’t even have a seat at the Metrolinx table. No muscle to flex.

“I’m hopeful that Metrolinx will understand we all want to get transit built as quickly as possible,” says Tory. “We all understand there’s a timetable. But we also should understand that you’ve got to build transit in a way that tries to respect as much as possible the property and the neighbourhood in which you’re building, including in this case 200-year-old precious heritage property and the green space that is pretty hard to come by in the downtown.”

Maybe all those lawyers at Osgoode Hall can paper-chase Metrolinx with injunctions, wield their litigious knives instead.

Poems are made by fools like me,

But only God can make a tree.



Rosie DiManno is a Toronto-based columnist covering sports and current affairs for the Star. Follow her on Twitter: [@rdimanno](https://twitter.com/@rdimanno)

Read more about: [Metrolinx](#)

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Community protests development of Osgoode Hall property, elimination of green space by Metrolinx

Friday, December 16, 2022 @ 10:56 AM | By [Amanda Jerome](#)

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Despite cold rain and wet snow, a group of concerned community members gathered on the grounds of Osgoode Hall in the heart of Toronto to rail against Metrolinx's plan to develop a corner of the property for the Ontario Line.

The crowd, made up of city councillors, law society members and the public, stood in front of a fence erected by Metrolinx to block off a group of trees, which the transportation agency intends to cut down.

The demonstration, held on Dec. 15, was organized by Liz Driver, the director and curator of Campbell House Museum, which sits across the street from Osgoode Hall.



Community members gather on grounds of Osgoode Hall to rail against Metrolinx's plan to develop a corner of the property.

"The Osgoode Garden is a significant heritage green space. The land is part of the traditional territory of many Indigenous nations, including the Mississaugas of the Credit [First Nation], the Anishinaabe, the Chippewa, the Haudenosaunee and the Wendat peoples," she said to the crowd, noting that the Law Society of Ontario "acquired the property in 1828, almost 200 years ago, to build a school for our province's lawyers."

Driver explained that the "land was just outside the boundary of the town of York, and undeveloped."

"From the beginning, the law society planned a park for recreation and exercise. This park along Queen Street has never been dug up or built upon. This is rare," she emphasized, directing people to "look at all the concrete steel and glass around us."

Driver emphasized that "Osgoode Garden is important for people and wildlife in the heart of downtown Toronto and beyond."

"In the summer, it's cooler and quiet because of the trees. In this year alone, 100 different bird species have been spotted in the Osgoode Garden. This is bird habitat and a migratory stopover," she said, stressing that the "integrity of this significant heritage green space is threatened by Metrolinx's plan to cut down Osgoode's historic trees to excavate a large hole for the Ontario Line and to fill it with elevators and escalators, plus a station building."

"The result," she added, "is that no mature trees can ever grow here again."

Driver noted that "last summer, the city commissioned a third-party review of Metrolinx's plan for Osgoode Station."

The review, she explained, will "consider the feasibility of moving the infrastructure into an expanded pedestrian area on University Avenue."



Metrolinx erected a fence to block public access.

Metrolinx “committed to respecting and co-operating with the third party review,” she asserted, noting that “despite this commitment, Metrolinx was going to cut down five trees on December the fifth” and “last Friday” the transit agency erected the fence “blocking public access.”

“Now, it’s important to note that the current fenced area is smaller than the area expropriated for construction and Metrolinx plans to cut down a total of 12 mature trees and another 12 younger trees,” she said.

Driver stressed that the “loss of the Osgoode trees will alter the quality of this heritage space forever.”

She firmly told the crowd that “no Metrolinx activity should take place in the Osgoode Garden until City Council receives and considers the third-party review.”

“No cutting down trees, no geotechnical drilling, no excavation ... and remove the fence to allow public access until the location of Osgoode Station has been decided,” she concluded to cheers.

Ausma Malik, the city councillor for Ward 10- Spadina-Fort York, addressed the crowd as well, noting “we can be here on sunny days and also when it’s storming or raining; we are not going to stop on this fight.”

Malik noted that the Osgoode Hall property is “a cherished gathering place” as well as a “cherished green space in our city.”

“We heard loud and clear from people in our downtown ... and from every corner of the city, that they share this view, and they share this commitment,” she said.

“When Metrolinx prepared to ignore their commitment to receive a third-party report to alternatives to destroying this green space and taking down these trees, when they decided to do that outside an agreed upon process, what did our communities do? We acted. We stood firm,” she stressed, noting that the community will “continue to hold firm.”

“Our ranks our growing,” she added. “This is a long-standing fight. And let me be absolutely clear today and as we move forward, that we can build transit and protect green spaces in our downtown communities.”

For months, legal organizations, such as the Federation of Ontario Law Associations (FOLA) and the Law Society of Ontario (LSO), have been raising concerns with Metrolinx’s plans to develop on Osgoode Hall’s grounds. On Dec. 2, the law society passed a [motion](#) opposing the expropriation of its property by Metrolinx for the development of the Ontario Line.



LSO CEO Diana Miles and benchner Jonathan Rosenthal at demonstration.

LSO CEO Diana Miles and benchner Jonathan Rosenthal attended the demonstration held just steps away from where the expropriation motion was passed.

“It was gratifying to see the community come together today in recognition of Osgoode Hall and its grounds and the important role it plays in the administration of justice and as a place of respite in our community — as green space, a heritage site and a gathering place,” said Miles.

“Like the law society’s board, the community sent a clear and unified message to Metrolinx: we need to come together and seek alternatives, so we can deliver much needed transit for the city while preserving this important community asset,” she added.

At the beginning of December, a Metrolinx spokesperson told *The Lawyer’s Daily* that its “technical teams considered six locations other than the Osgoode Hall property and concluded this is the option that provides the most benefits.”

“The northeast corner of University Avenue and Queen St. West is the only location that can accommodate the construction of Osgoode station. Land is required for the construction laydown and digging of a shaft that will allow for underground excavation and construction of this new large underground complex, while leaving room to ensure existing pedestrian, bicycle, transit and vehicle traffic continues to flow. We also need to ensure sufficient station space to handle expected passenger volumes, adherence to modern fire codes and accessibility standards, as well as ease of transfer to surface streetcars,” the spokesperson explained.

Photos by Amanda Jerome.

If you have any information, story ideas or news tips for [The Lawyer’s Daily](#), please contact Amanda Jerome at Amanda.Jerome@lexisnexis.ca or 416-524-2152.

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- [FOLA calls on Toronto, mayor to protect Osgoode Hall grounds from ‘irreversible damage’ by Metrolinx](#)
- [FOLA has ‘serious concerns’ about Metrolinx construction at Osgoode Hall, impact on courts](#)
- [LSO passes motion opposing expropriation of Osgoode Hall property by Metrolinx](#)
- [Why 55,000 lawyers need five trees](#)
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Featured

This is Exhibit "G" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits

November 28, 2022

Phil Verster
President & Chief Executive Officer
Metrolinx
Via email: CEO@metrolinx.com

Malcolm MacKay, P.Eng., PMP
Program Sponsor – Ontario Line
Metrolinx
Via email: malcolm.mackay1@metrolinx.com

Dear Mr. Verster and Mr. MacKay:

We are writing ahead of our scheduled meeting with Metrolinx representatives on Tuesday, November 29. We are prepared to meet and to hear what Metrolinx has to say, but, having reflected on the actions of Metrolinx over the past week, we want to be clear about where we stand today.

On August 9, 2022, at an Osgoode community meeting, Metrolinx committed that before taking further steps on the Osgoode site it would await the outcome of the City of Toronto's third-party review which will examine options and identify concerns with Metrolinx's proposal and alternative sites. At that meeting, Metrolinx said that it welcomed the comments this report would provide and that it wanted the best possible outcome for the people of Toronto. Metrolinx also confirmed that it would provide access to its experts and relevant documents to the third party conducting that review. Taken together, Metrolinx promised to take the third-party report seriously and give it adequate weight before taking any significant next steps.

Recent communications from Metrolinx, formal and informal, about its imminent plans for the property suggest that Metrolinx is not prepared to honour this commitment. As should be obvious to Metrolinx, given the community outcry over Metrolinx's recent announcement, the community lacks confidence in Metrolinx's plans. Metrolinx needs to hear from the independent third-party review on the appropriateness of its site selection (among others) before prematurely embarking on a construction project that may have serious and lasting consequences on a vital heritage building and surrounding property (i.e. Osgoode Hall).

The Law Society has retained litigation counsel. On November 24, 2022, Convocation approved proceeding with litigation, if necessary, to hold Metrolinx to its commitment and to prevent potential irreparable harm to a key heritage landmark in the City.

The Law Society will take all appropriate litigation steps available to it to ensure that the third-party review is not made ineffectual by Metrolinx.

Yours truly,

A handwritten signature in black ink, appearing to read 'Diana Miles', with a stylized, cursive script.

Diana Miles
Chief Executive Officer

cc: Jacqueline Horvat, Treasurer, Law Society of Ontario
His Worship Mayor John Tory, City of Toronto
The Honourable Caroline Mulroney, MPP, Minister of Transportation
The Honourable Doug Downey, MPP, Attorney General of Ontario

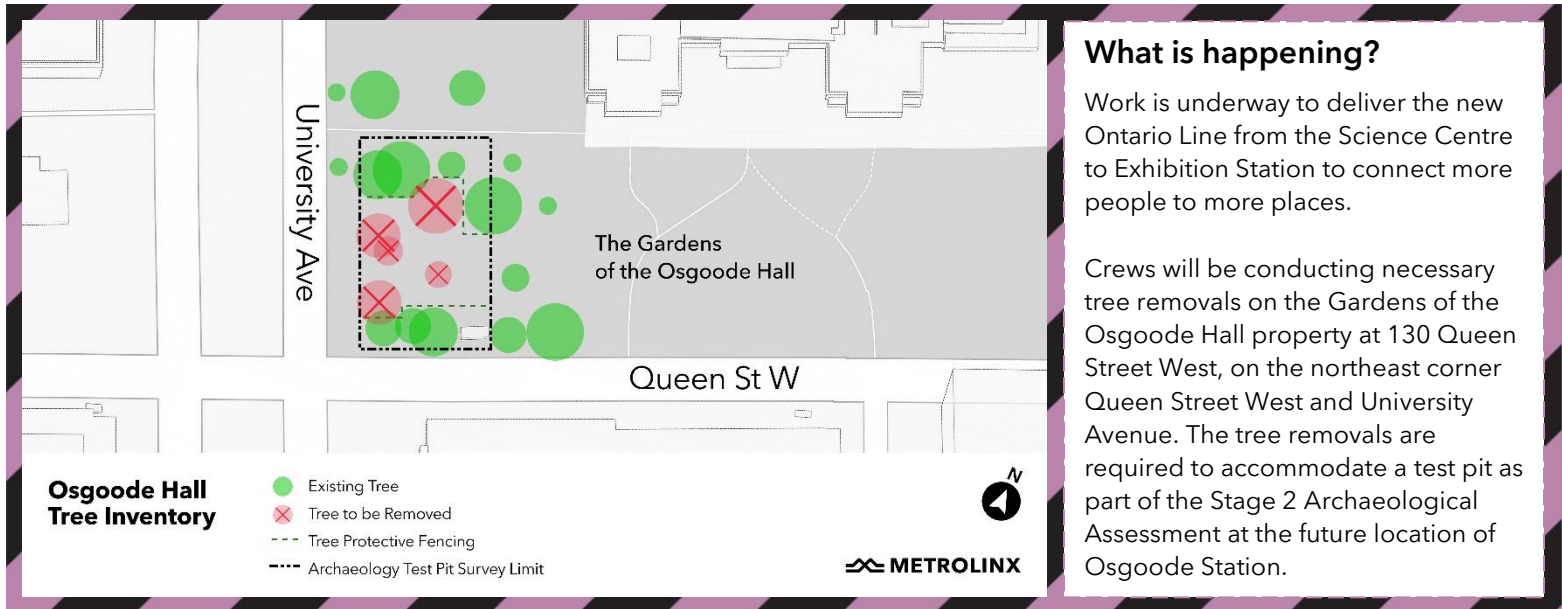
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Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits

Vegetation and Tree Removal Notice

Starting December 5th, 2022



Timing

- **Scheduled Start:**
December 5th, 2022
- **Scheduled Completion:**
December 9th, 2022
- **Days:**
Monday to Friday
- **Hours:**
8 a.m. – 5 p.m.



What to expect

- Five trees will be removed to accommodate an approximately 41m (north to south) by 28m (east to west) test pit that will be used to conduct an archaeological assessment on the Osgoode Hall property.
- All other trees on the property will be retained and protected as part of this work. Preserved trees nearest to the test pit will be protected using fences and barriers, which crews will install prior to removing any trees.
- All work will take place within the fence on the Osgoode Hall property; there will be no impacts to pedestrian traffic on Queen St or University Ave as part of this work.
- All work will comply with applicable by-laws and be guided by the [Metrolinx Vegetation Guideline](#), which ensures more trees are replanted than removed across the region as more transit is built.
- All trees proposed for removal have been approved by the City of Toronto.
- Residents and businesses near the sites may hear noise caused by chainsaws and woodchippers for the removal of trees.
- Work may be delayed due to weather conditions or unforeseen circumstances.

The Ontario Line



15.6 kilometres of transit service



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To stay updated, sign up for our e-newsletter at [Metrolinx.com/OntarioLine](https://www.metrolinx.com/OntarioLine)

Write to us at: OntarioLine@Metrolinx.com
 Call us at: 416-202-5100
 Visit the website: [Metrolinx.com/OntarioLine](https://www.metrolinx.com/OntarioLine)
Information as of: November 17th, 2022

METROLINX

Disponible en français sur demande. Si vous êtes intéressé, veuillez envoyer un courriel à OntarioLine@Metrolinx.com.

This is Exhibit "I" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits

From: Ontario Line <ontarioline@metrolinx.com>

Sent: January 27, 2023 5:25 PM

To: Ontario Line; Councillor_Malik@toronto.ca; Brent.Gilliard3@toronto.ca; Bushra.Mir2@toronto.ca; Vienna.OShea2@toronto.ca; Catherine Nasmith; Catherine Nasmith; Ceta Ramkhalawansingh; Marentic, Daniel (JUD); 'Grange Community Association 1 (ralph@grangecommunity.ca)'; Alicia Callaghan; Glover-CO, Chris; Don Young; liz@campbellhousemuseum.ca; Blair Bowen; Maureen Marshall; mallen6@sympatico.ca; Amy Mushinski; Vuong, Kevin - M.P.; Elise Brunet; Diana Miles; Sheena Weir; Simon Di Vincenzo; AngelaDaeun.Bae@toronto.ca; Crane, Mark; eodonovan@osc.gov.on.ca; David Robitaille; Vuong, Kevin - Personal; Andrew Walker; Bakan, Jacob (JUD); Elmira Moghani; Marouan.malaeb-proulx3@toronto.ca; David McIntosh

Cc: Vuong, Kevin - Personal; Michael White

Subject: Osgoode meeting invitation

When: February 1, 2023 6:00 PM-7:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Update: The Feb. 1 meeting is to provide an update on the City of Toronto's Osgoode Station review.

All elected officials and city partners have been invited to the meeting.

Please find the meeting agenda below:

1. House keeping/ Introductions (Metrolinx)
 2. City of Toronto to speak to Osgoode Station location review (Transit Expansion Office)
 3. Metrolinx to provide work updates (Metrolinx)
 4. Open discussion/ Question period (moderated by Metrolinx)
-

(Jan.27) Good afternoon,

Metrolinx would like to invite you to a meeting about the future Osgoode station planned for the Ontario Line.

This virtual meeting is scheduled for February 1, 2023, from 6:00 p.m. – 7:00 p.m.

Please confirm your attendance by referring to the meeting details below.

If you have any questions please reach out the Ontario Line email address directly.

Thank you,

Ontario Line Community Engagement Team

Communications Division | Metrolinx

770 Queen St E | Toronto | Ontario | M4M 1H4

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This is Exhibit "J" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Chowdhury

Commissioner for Taking Affidavits

The Ontario Line

LAND ACKNOWLEDGEMENT

Let us take a moment to acknowledge we are on lands that have been, and continue to be, home to many Indigenous Peoples including the Anishnabeg, the Haudenosaunee and the Huron-Wendat peoples.

We are all Treaty people. Many of us have come here as settlers, as immigrants or involuntarily as part of the trans-Atlantic slave trade, in this generation, or generations past.

We acknowledge the historic and continued impacts of colonization and the need to work towards meaningful reconciliation with the original caretakers of this land.

We acknowledge that Metrolinx operates on territories and lands covered by many treaties that affirm and value the rights of Indigenous communities, Nations and Peoples.

We understand the importance of working towards reconciliation with the original caretakers of this land. At Metrolinx, we will conduct business in a manner that is built on a foundation of trust, respect and collaboration.



The Ontario Line

SAFETY MOMENT: TEXT-FOR-HELP

- A new text-for-help support program now gives customers one more safety option on GO Transit and UP Express.
- People can discreetly report immediate safety or security concerns by texting "HELP" to 77777.
- The Customer Protective Services team will reply to the text within 90 seconds and will converse with the person to understand the concern. If needed, the team can assist by dispatching support or local police services.
- This provides a discreet, fast, and effective way to request assistance while on board or at stations, without drawing attention in moments when one may feel vulnerable.



**Safety is
at your
fingertips.**

Text 'HELP' to
77777

**Help is a
text away.**

Standard message
rates may apply

The Ontario Line

INTRODUCTIONS AND MEETING ETIQUETTE

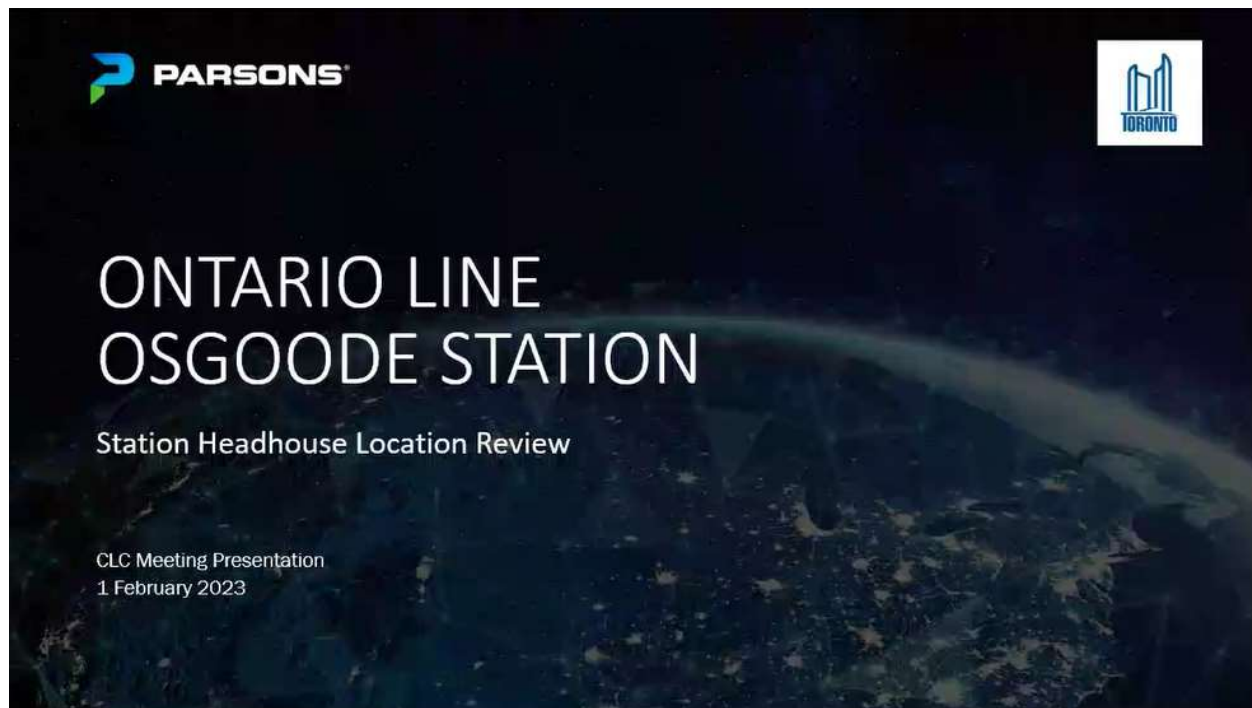
Introductions

- Darren Cooney - Chair
- Richard Borbridge - Program Director, Subway Program, City of Toronto
- Peter Lloyd-Jones - Parsons Corporation, Third-Party Reviewer
- Malcolm MacKay - Program Sponsor, Ontario Line

Meeting Etiquette

- To help this meeting run as smoothly as possible, please:
 - Be respectful to all meeting participants
 - Allow all people the chance to speak before taking a second turn
 - Remain muted, unless you are called upon
 - Use the "hands up" icon to raise your hand to speak
 - Only make comments and questions about the focus of the meeting: the Osgoode Station Location Review
- Questions will be taken in the order they are received.
- Turning on your video is encouraged, but not required.

 METROLINX



PURPOSE OF THE REVIEW

Parsons utilized a variety of subject experts to analyze each proposed location for the headhouse including:

- transportation planning – review of current state of transportation and designing for future transportation needs
- ridership goals – ensuring maximum projected ridership is served
- passenger access – ensuring efficient and comfortable access to passengers
- constructability issues – review of construction methodologies, including use of alternate methods to mitigate risk
- built and natural heritage – review of impacts to heritage properties and natural environments
- operational impacts – impacts on neighbouring properties, either during construction or permanent
- temporary and permanent traffic closures – review of lane closures or traffic rerouting during construction or permanent
- long term transit integration and passenger flow requirements – review of passenger flow metrics, including queue lengths, dwell times, etc.
- utilities relocations – review of all existing under and above-ground utilities and requirements for rerouting same
- project cost and schedule implications – rough cost estimates and construction schedule reviews

The stated objective of the review was to identify critical considerations for siting the keyhole excavation and headhouse structure at this intersection, through the development of a 'checklist' against which all proposed alternative options were evaluated; thereby allowing us to identify where key design and technical considerations can or cannot be met.

This completed review now provides an objective third-party response to the current proposed locations for the Ontario Line headhouse location at Osgoode Station and serves to inform the City of Toronto's view as a key Stakeholder on the Ontario Line project.

PURPOSE OF THE REVIEW

In October 2022, the City of Toronto asked Parsons Corporation to perform a high-end due diligence review of the ten proposed locations for the headhouse for the Ontario Line at Osgoode Station.

This review was conducted to examine the need to utilize existing Osgoode Hall property located at the northeast corner of the intersection as the preferred headhouse location, with further considerations of the proposed keyhole excavation method, which will allow construction of a mined cavern to accommodate the concourse and platform levels for the new Ontario Line. This excavation will also create vertical circulation space connection grade level with the new Ontario Line concourse level, including stairs, escalators, and elevators.

Parsons was also asked to investigate the feasibility of alternative headhouse locations as proposed by Metrolinx and others as identified through previous investigations.

Parsons was provided with a substantial amount of information documenting the Ontario Line in general and the location of the headhouse structure at the northeast corner of the intersection as proposed by Metrolinx. Information on the remaining alternate locations was generally limited to the graphics already shown by Metrolinx at public meetings, however both Metrolinx and their technical advisors have been forthcoming with additional information as requested in a series of technical workshops.

PURPOSE OF THE REVIEW

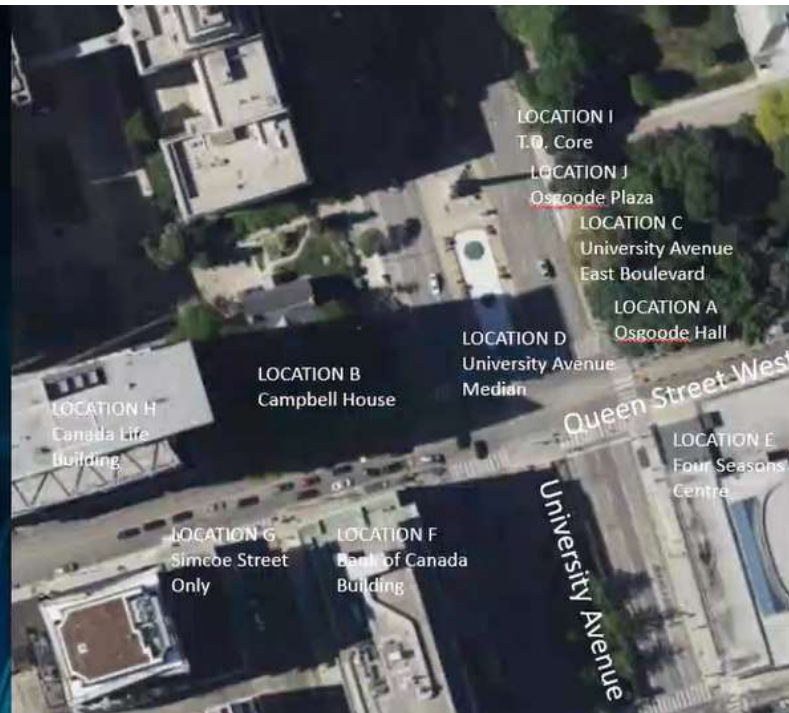
Parsons utilized a variety of subject experts to analyze each proposed location for the headhouse including:


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- temporary and permanent traffic closures – review of lane closures or traffic rerouting during construction or permanent
- long term transit integration and passenger flow requirements – review of passenger flow metrics, including queue lengths, dwell times, etc.
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The stated objective of the review was to identify critical considerations for siting the keyhole excavation and headhouse structure at this intersection, through the development of a 'checklist' against which all proposed alternative options were evaluated; thereby allowing us to identify where key design and technical considerations can or cannot be met.


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TEN ALTERNATE LOCATIONS FOR THE HEADHOUSE AT OSGOODE STATION



| Location J - Osgoode Plaza Proposal  <p>This option was described in a proposal not provided by Metrolinx, instead it is a community proposal that describes the station headhouse structure located on an expanded boulevard sidewalk located on the east side of University Avenue north of Queen Street West, as part of a larger plan to relocate the existing northbound vehicle lanes and cycle lane located on University Avenue to the area currently occupied by the existing median boulevard located at the centre of University Avenue both north and south of its intersection with Queen Street West. Traffic on University Avenue would be reduced from 6 lanes to 4 lanes to accommodate this proposed change.</p> | CATEGORY | ASSESSMENT | IMPACT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| | Transportation planning, including short term operational – traffic & transit impacts | Substantial temporary and permanent impacts to University Avenue related to a proposed redevelopment of a broad east sidewalk replacing the existing centre median boulevard space. No studies regarding potential impacts of construction to vehicular, streetcar or pedestrian traffic as related to the proposed reduction of traffic lanes on University Avenue have been completed at this time. | X |
| | Ridership | The two proposed major entrances are aligned with the major sources of ridership as located in the southwest and northeast quadrants. Although not shown, it is assumed that the secondary entrance structure located on Simcoe Street is included in the plan). | |
| | Passenger access | With a newly-created east boulevard space available for the headhouse structure; together with a possible second entrance located to the north at the northeast corner of the intersection, there should be no issues with passenger at grade level. Spatial issues on the concourse level will likely still be an issue; especially with an intermodal station. | |
| | Constructability/ construction methods & laydown requirements | A temporary construction laydown area could be located on the new east boulevard located directly north of the proposed headhouse. There are structural concerns and risks related to the proximity of proposed new excavation and construction located directly adjacent to the existing Line 1 station tunnel. There are no studies related to possible impacts and construction risks related to the existing Line 1 tunnel and the need for the relocation of the ventilation system which is currently located beneath the centre median. Substantial budget and schedule issues are anticipated related to the scope of the work, as it appears to extend for blocks north and south of Queen Street West on University Avenue. It should be noted that the T.O. Core alternative shows a keyhole excavation site partially located on Osgoode Hall property. | X |
| | Built heritage | There would be no physical impact to Osgoode Hall, assuming laydown area and keyhole can be located within the proposed boulevard space itself. There has been no design or subsequent studies to evaluate whether this is possible. The war memorial located on the centre median and the bank building located at 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | New trees would be planted as part of the new east boulevard on University Avenue, replacing the limited landscape features currently located in the centre median. The Osgoode Hall property; including all landscaped areas, would remain largely untouched. | |
| | Operational impacts to Neighbouring Properties | There would be limited impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall, as all construction and excavation activities would be located directly adjacent to the Osgoode Hall property and not on it. | X |
| | Temporary lane restrictions /Permanent lane closures | Substantial lane closures for both northbound and southbound traffic would be required for the removal of the existing median boulevard space; together with changes required to the existing ventilation shafts serving the Line 1 tunnel below grade. There would also be lane restrictions required on Queen Street West; however vehicular, cyclist and streetcar traffic can be maintained throughout construction. | X |
| | Long term operational/ transit integration & passenger flow | There are no known transit studies related to the development of a new park as described in this proposal. No long term operational or transit integration studies have been completed. | X |
| | Pedestrian flow impacts at grade | There is no design showing the proposed headhouse location or site. No pedestrian flow impact studies have been performed to test the proposed location as shown. | X |
| | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | Costs, schedule, and contractual implications | There would be substantial budget and schedule issues related to the planning and construction of a new park and the proposed realignment of University Avenue. The proposed changes would have a severe impact on current active transit planning activities. Construction risks related to the relocation of the keyhole excavation site directly adjacent to the existing Line 1 tunnel have not yet been established. | X |

| Location I - T.O. Core Site  <p>This option utilizes a proposal for the future redevelopment of University Avenue which eliminates the existing median boulevard and relocates the existing northbound lanes in its place; thereby providing space for a broad landscaped area that runs the full length of University Avenue. The current 6-lane configuration of University Avenue would be reduced to 4 lanes of traffic. The proposed headhouse structure would be located onto this wide east sidewalk directly north of Queen Street West. A keyhole excavation needed for vertical circulation to the Ontario Line would be located on the Southwest corner of the Osgoode Hall property; together with a temporary construction area located on the west lawn of Osgoode Hall. The Simcoe Street entrance would serve as a secondary entrance to the Ontario Line.</p> | CATEGORY | ASSESSMENT | IMPACT |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| | Transportation planning, including short term operational – traffic & transit impacts | Substantial temporary and permanent impacts to University Avenue related to a proposed redevelopment of a broad east sidewalk replacing the existing centre median boulevard space. The T.O. Core study was originally completed for the City of Toronto as part of a larger study related to the enhancement of various public realms located in downtown Toronto. This is a City of Toronto-led initiative currently in the conceptual stages of development; where planning and approvals timelines are not currently aligned with the construction schedule of the Ontario Line project. The proposed location of the headhouse within the boulevard may not meet the City's vision for the T.O. Core project. | X |
| | Ridership | The two proposed major entrances are aligned with the major sources of ridership as located in the southwest and northeast quadrants. | |
| | Passenger access | With a newly-created east boulevard space available for the headhouse structure; together with a possible second entrance located to the north at the northeast corner of the intersection, there should be no issues with passenger at grade level. Spatial issues on the concourse level will likely still be an issue; especially with an intermodal station. | |
| | Constructability/ construction methods & laydown requirements | The proposed keyhole excavation is shown partially located on the southwest corner of the Osgoode Hall Property. A temporary construction laydown area would be located on the west lawn of Osgoode Hall. There are potential structural concerns and risks with the proximity of the proposed vertical circulation excavation and construction located directly adjacent to the existing Line 1 station tunnel. | X |
| | Built heritage | The construction impact to Osgoode Hall property is incrementally reduced with fence and boundary line being temporarily dismantled and reinstated in current location. The existing war memorial located on the centre median and the bank building located at 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | While the footprint of the keyhole excavation is reduced, there remains a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees located directly above the proposed keyhole excavation site. | X |
| | Operational impacts to Neighbouring Properties | There would be substantial impacts during construction to courtroom and judicial chambers located along the West Elevation of Osgoode Hall, which will likely impact their operations during the period of construction. | X |
| | Temporary lane restrictions /Permanent lane closures | Substantial lane closures for both northbound and southbound traffic on University Avenue would be required for the removal of the existing median boulevard space; together with changes to the existing ventilation shafts serving Line 1 below. | X |
| | Long term operational/ transit integration & passenger flow | There are no known transit studies related to the development of a new park as described in this proposal. The reduction of an existing 6-lane boulevard on University Avenue to a 4-lane street will likely create a congestion point for vehicles in the future. | X |
| | Pedestrian flow impacts at grade | The proposed reduction of traffic lanes on University Avenue from 6 lanes to a permanent 4-lane configuration will create a congestion point for vehicles in combination with an abnormal street alignment. High levels of driver frustration combined with an irregular configuration and high volumes of pedestrian flow is not considered desirable and presents a safety concern for both passengers and pedestrians. | X |
| | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | Costs, schedule, and contractual implications | There would be substantial budget and schedule issues related to the planning and construction of a new park and the realignment of University Avenue to accommodate the construction of a headhouse in this location. The proposed changes would have a severe impact on current active transit planning activities. Construction risks related to the relocation of the keyhole excavation site directly adjacent to the existing Line 1 tunnel have not yet been established. | X |

| Location H - Canada Life Building Site  | CATEGORY | ASSESSMENT | IMPACT |
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| | Transportation planning, including short term operational – traffic & transit impacts | There would be substantial impacts to Queen Street West vehicular, cyclist and streetcar traffic during construction; together with issues for pedestrians on the north side of the right-of-way, University Avenue itself would not be impacted. | X |
| | Ridership | Both major entrances to the station (the headhouse and the Simcoe Street entrance) would be located west of Simcoe Street and will not capture major station ridership anticipated at the northeast corner. The horizontal distance between Line 1 and Ontario Line concourses and platforms within this intermodal station would be excessive. | X |
| | Passenger access | Northwest passenger access and vertical circulation would likely be insufficient to meet projected ridership demand. Passenger congestion on-street and at the concourse level is likely. | X |
| | Constructability/ construction methods & laydown requirements | There are substantial technical issues with the proposed construction of vertical circulation in an existing occupied privately-owned building. Temporary construction laydown space may be accommodated on either the Campbell House site adjacent or the Osgoode Hall property; but no accommodation for the possible location of laydown space has been provided. | X |
| | Built heritage | No impact to Osgoode Hall, but only if the construction laydown area can be accommodated elsewhere.. The existing war memorial located on the centre median of University Avenue and the bank building located at 205 Queen St W would be partially or fully dismantled and reinstated after the completion of construction. | X |
| | Natural heritage | Other than the possibility of requirements for temporary construction laydown spaces on either the Campbell House or Osgoode Hall sites; neither site would be impacted. | X |
| | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to the existing office building, should further study confirm that this property is suitable for construction of a headhouse. Neighbouring properties, such as Campbell House, would also be impacted. | X |
| | Temporary lane restrictions /Permanent lane closures | A westbound streetcar stop on Queen Street West connecting to a station entrance in this location would cause a permanent reduction of traffic on Queen Street West itself. The westbound streetcar stop would require a permanent reduction to vehicular and streetcar traffic connecting the two station entrances. A traffic light or level crossing in this area would likely further impede local vehicular traffic. | X |
| | Long term operational/ transit integration & passenger flow | There are operational issues for a westbound streetcar stop located west of Simcoe Street. Increased passenger flow anticipated at the northeast corner may not be accommodated by one or more new or expanded entrances. | X |
| | Pedestrian flow impacts at grade | Mid-block location of westbound streetcar stop will require additional light or level crossing to connect to station entrances at north and south side of Queen Street West. | X |
| <p>This option describes the location of the proposed station headhouse within an existing office building located at 180 Queen Street West, on the site located directly west of the existing Simcoe Street pedestrian walkway, utilizing existing lobby areas at grade and existing parking, storage and service areas located below grade. There are unknown impacts to spatial and structural demands within the existing building. If a keyhole excavation is to be located on this site; it is likely more cost-effective to demolish the existing office building and develop a new mixed-use building that integrates the transit excavation and construction directly. No graphic material for this option has been provided by Metrolinx.</p> | Wet & dry utilities design & relocation requirements | Minimal utility impact is expected, even with a Line 1 concourse level connection connecting both station entrances below Queen Street West. | |
| | Costs, schedule, and contractual implications | Major impacts to an existing privately-owned mid-rise office building would be required, including but not limited to its closure and partial or total demolition, with unknown technical issues as related to the proposed vertical circulation and/or keyhole excavation, etc. | X |
| | | | |

| Location G - Simcoe Street Only Site  | CATEGORY | ASSESSMENT | IMPACT |
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| | Transportation planning, including short term operational – traffic & transit impacts | There would be temporary impacts to pedestrian and vehicular traffic on Queen Street West and at the southbound lanes of University Avenue during construction and shorter-term duration impacts for shallow excavations related to the construction of Line 1 concourse level passageways. | |
| | Ridership | The proposed northeast entrance structures are likely too small to sufficiently capture the major source of ridership from the northeast quadrant. The Simcoe Street entrance would capture the major source of ridership from the southwest quadrant. | X |
| | Passenger access | Proposed vertical circulation at the northeast quadrant is likely insufficient to meet projected ridership demands. Passenger congestion on-street and at the concourse level is likely. | X |
| | Constructability/ construction methods & laydown requirements | No temporary construction laydown site is shown in this option. This is likely an error, as the Osgoode Hall site would likely be utilized for this purpose. If a separate laydown space has been proposed for a site elsewhere; it has not been documented by Metrolinx or its consultants. | X |
| | Built heritage | Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. War memorial and 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | No impacts to Osgoode Hall or Campbell House sites as shown, as neither of these properties appears to be utilized for excavation or construction.. | |
| | Operational Impacts to Neighbouring Properties | There will be temporary operational impacts during excavation and construction of the spaces within Osgoode Hall that face the west lawn, as shallow excavations for both the relocation of existing underground services and the northern extension of the concourse level entrances. | |
| | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. New work located beneath Queen Street will negatively impact vehicular and streetcar traffic during construction. | |
| | Long term operational/ transit integration & passenger flow | Limited availability of public space at the sidewalk at the northeast corner will likely cause long term operational issues with this configuration, and others of its ilk. With ridership projected to expand in the coming years on the Westbound 501 streetcar line, there may well be serious issues with the connections for intermodal connections at both grade and concourse levels at this corner. | X |
| | Pedestrian flow impacts at grade | The proposed station entrance structures located on the east side of University Avenue will likely not have sufficient vertical circulation capacity. On street pedestrian congestion is likely to occur on the northeast corner of the intersection, both for transit users and pedestrians waiting to cross either University Avenue or Queen Street West from the northeast corner of the intersection. | X |
| <p>This option involves a shallow excavation located below the east sidewalk of University Avenue for a new Line 1 concourse level connection to two new entrance structures to be located on the northeast corner of the intersection. Access to Ontario Line would be accommodated via passenger circulation areas connected to the Simcoe Street entrance structure. Additional new or expanded passageways would connect the Simcoe Street entrance to Line 1 subway at concourse level.</p> | Wet & dry utilities design & relocation requirements | Requires relocation of the existing watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. Requires relocation of the existing watermain and gas main along the south side of the Queen Street. Requires relocation of the existing combined sanitary sewers on both sides of the University Avenue. Depending on the size of expanded concourse-level passageway, relocation of the existing combined sanitary sewers needs to be coordinated to fit in the public ROW. | |
| | Costs, schedule, and contractual implications | There would be substantial issues related to the development of the extensions to the existing concourse level as shown here; especially as related to the phased excavation and construction required to maintain the station throughout all stages of construction. There may be further issues related to the future development of the Bank of Canada building and its proximity to the shallow concourse-level excavation for additional pedestrian circulation to connect the new Simcoe Street entrance and the main station concourse space. | X |

| Location F - Bank of Canada Building Site | | CATEGORY | ASSESSMENT | IMPACT |
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|  <p>This option involves the integration of a new headhouse entrance into an existing 8-storey heritage building (Bank of Canada Building) located at the southwest corner of the intersection. The owners of this building have made a development application for the construction of a 54-storey mixed-use building above the existing structure. Once the original building is removed, the keyhole excavation for the Ontario Line station and temporary construction laydown space would be located on this site. Existing Line 1 subway concourse-level passageways would be widened to meet increased passenger flow and exiting requirements; together with an expansion of the Line 1 concourse north to connect to a new northeast entrance structure. The Simcoe Street entrance structure is shown located adjacent to the proposed Ontario Line vertical circulation connection; which are redundant.</p> | | Transportation planning, including short term operational – traffic & transit impacts | There will be construction-related impacts to traffic on Queen Street West and the southbound lanes on University Avenue, with likely shorter-term duration traffic impacts at the shallow Line 1 concourse-level excavation located within the intersection. | |
| | | Ridership | Proposed northeast entrance structures will likely be too small to sufficiently capture anticipated ridership from northeast quadrant. The two entrances located within the southwest quadrant are capturing the same source of ridership. | X |
| | | Passenger access | Proposed vertical circulation at the northeast quadrant is likely insufficient to meet projected ridership demands. Passenger congestion on-street and at the concourse level is likely. | X |
| | | Constructability/ construction methods & laydown requirements | Demolition of the existing 8-storey heritage building will provide adjacent temporary construction laydown area onsite. Protected heritage facades and possible interior spaces will need to be panelized and removed from the site, before being integrated into the new development on the site. | |
| | | Built heritage | Significant impact to the Bank of Canada building, with the requirement to remove and reinstate existing heritage elevations at all four main elevations; together with the removal and subsequent recreation of the original lobby space. Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. War memorial and 205 Queen St W will be partially or fully dismantled and reinstated | X |
| | | Natural heritage | No direct impact to Osgoode Hall or Campbell House sites. | |
| | | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to the existing bank of Canada building and the proposed mixed-use redevelopment of the site. There will be limited operational impacts to the judicial spaces located on the west elevation of Osgoode Hall, as the shallow excavation and construction required due to the relocation of existing underground services and the northern extension of the existing concourse level pedestrian connection during the period of station construction. | X |
| | | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. New work located beneath Queen Street will negatively impact vehicular and streetcar traffic during construction. | |
| | | Long term operational/ transit integration & passenger flow | Limited availability of public space at the sidewalk at the northeast corner will likely cause long term operational issues with this configuration, and others of its ilk. With ridership projected to expand in the coming years on the Westbound 501 streetcar line, there may well be serious issues with the connections for intermodal connections at both grade and concourse levels at this corner. | X |
| | | Pedestrian flow impacts at grade | Proposed station entrance structures located on the east side of University Avenue will likely not have sufficient vertical circulation capacity, causing on-street pedestrian congestion. Configuration of two main station buildings within same southwest quadrant is redundant and captures the same group of passengers. The Simcoe Street entrance will be underutilized due to lack of direct access to the Line 1 concourse level. | X |
| | | Wet & dry utilities design & relocation requirements | Requires relocation of the existing watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. Requires relocation of the existing combined sanitary sewers on both sides of the University Avenue. Depending on the size of the concourse-level passageway expansion, relocation of the existing combined sanitary sewers needs to be coordinated to fit in the public ROW. | |
| | | Costs, schedule, and contractual implications | Substantial impact to budget and schedule of planned renovation and addition of a 54-storey mixed-use development currently being planned for the existing Bank of Canada building. With a keyhole excavation and subsequent station construction likely to cause havoc with the proposed budget and schedule of the proposed privately-owned mixed-use building. Minimal implications to the Osgoode Hall and Campbell House sites, beyond some temporary operations impacts during construction. | X |

Location E –
Four Seasons
Centre Site



This option would involve expansion of the existing transit entrance located at the Four Seasons Centre on the southeast corner of the intersection. Modifications to the existing Line 1 subway connection would be required to expand passenger capacity and connect to the Ontario Line vertical circulation located below grade on Osgoode Hall property. The existing stairwell entrance currently located near the northeast corner of the intersection at the east sidewalk of University Avenue would be replaced by new entrance structures to meet increased passenger capacity and accessibility requirements. The Simcoe Street entrance structure would provide a secondary entrance.


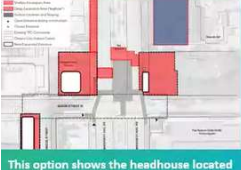
| CATEGORY | ASSESSMENT | IMPACT |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Transportation planning, including short term operational – traffic & transit impacts | Reduces/limits disruption to pedestrians, cyclists and transit (allows streetcar service to remain). Requires closure of traffic lanes on Queen and University during construction but roadways remain open at reduced capacity. There would be increased impacts to Queen Street during construction, including streetcar service, due to the expansion of the existing north/south pedestrian connection at the east side of the intersection. It should be noted that this relatively shallow concourse-level connection may serve as a means of relieving passenger pressure on the busy northeast corner in any scenario where the station entrances are limited to the use of public space on the east sidewalk of University located north of Queen Street West. | |
| Ridership | The proposed northeast entrance structure is likely too small to sufficiently capture ridership from northeast. Since SE entrance would capture major source of ridership from southwest corner, Southeast quadrant provides the smallest anticipated ridership volume. Access locations do not align with ridership demand. | X |
| Passenger access | Proposed vertical circulation at the northeast quadrant is likely insufficient to meet projected ridership demands. Passenger congestion on-street and at the concourse level is likely. The addition of capacity of a widened pedestrian concourse located beneath Queen Street West on the east side of its intersection with University Avenue may be found to increase ridership at the existing station entrance located within the Four Seasons Centre. The development of a future pedestrian corridor located beneath the south sidewalk of Queen Street West adjacent to the existing performing arts building could also serve to make a connection to the existing Toronto PATH system, currently located in the Sheraton Centre Hotel as located on the south side of Queen Street West directly east of York Street. | |
| Constructability/ construction methods & laydown requirements | Keyhole excavation located on southwest corner of Osgoode Hall Property. Laydown area located on Osgoode Hall Property directly north of excavation site. | X |
| Built heritage | Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. War memorial and 205 Queen St W are partially or fully dismantled and reinstated | X |
| Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees. | X |
| Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall; together with operational impacts to some functions of the performing arts centre. | X |
| Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. New work located beneath Queen Street will negatively impact vehicular and streetcar traffic during construction. | |
| Long term operational/ transit integration & passenger flow | Limited availability of public space at the sidewalk at the northeast corner will likely cause long term operational issues with this configuration, and others of its ilk. With ridership projected to expand in the coming years on the Westbound 501 streetcar line, there may well be serious issues with the connections for intermodal connections at both grade and concourse levels at this corner. | X |
| Pedestrian flow impacts at grade | The proposed station access on the east side of University Avenue will likely not have sufficient vertical circulation capacity, causing on-street pedestrian congestion. | X |
| Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| Costs, schedule, and contractual implications | Substantial impacts to Osgoode Hall property during construction. No permanent structures would be located at grade, the heritage fence and the landscape would be restored, but with the loss of mature trees to be replaced by new trees of limited size. | X |

Location D –
University Avenue
Median Site



This proposal shows the keyhole excavation located at the southwest corner of the Osgoode Hall property; together with construction laydown space located temporarily on the west lawn of Osgoode Hall. The existing stairway entrance located on the east sidewalk of University Avenue north of Queen Street West would be replaced with a concourse level. This structure is located to the north. The station headhouse structure would be located on the existing landscaped median strip located in the centre of University Avenue, leading into an expanded Line 1 concourse space and connecting to the vertical circulation connection leading to the Ontario Line concourse as located on restored green space located below Osgoode Hall property. The Simcoe Street entrance would serve as the western entrance to the Ontario Line concourse level.

| CATEGORY | ASSESSMENT | IMPACT |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Construction planning, including short term operational – traffic & transit impacts | This location option is likely to result in significant pedestrian congestion at the University Avenue median, as there will be issues with passenger connections between both eastbound and westbound streetcar stops and both Line 1 and Ontario Line. Any proposed widening of the median to provide additional space for pedestrian refuge/stacking during emergencies or other incidents may impact the number of traffic lanes available on University Avenue. | X |
| Ridership | Station access located on the University Avenue median does not offer optimal capture of a major source of ridership from the northeast quadrant. The Simcoe Street entrance will capture ridership from the southwest quadrant. | X |
| Passenger access | Median does not provide sufficient space for anticipated passenger crowding volumes while waiting for crossing signals or a safe path of travel away from the station in an emergency. Passengers must wait for traffic signal and safe crossing for every access or egress from the station, adding substantial time (2-min lights) to their journey. | X |
| Constructability/ construction methods & laydown requirements | The keyhole excavation site is located on the southwest corner of Osgoode Hall property, with the temporary construction laydown area located on the west lawn of Osgoode Hall. Major constructability regarding the construction of a new headhouse structure on top of an operating subway line. | X |
| Built heritage | Significant impact to the war memorial with the dismantle and relocation of the memorial. And the new headhouse blocking the view from the south. Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. 205 Queen St W are partially dismantled and reinstated | X |
| Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees, at both the keyhole excavation site and the proposed temporary construction laydown site as shown. | X |
| Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall, which could be mitigated by temporary removal of courthouse functions to another site. | X |
| Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street during construction but roadways remain open at reduced capacity. | |
| Long term operational/ transit integration & passenger flow | The proposed location of a major station entrance located on the existing median will likely cause ongoing transit connection and safety issues with passenger connections to the westbound streetcar stop. If passengers leaving the Westbound 501 streetcar must cross to a new station entrance located on the centre median on University Avenue directly north of Queen Street West, there will be substantial numbers of pedestrians, both transit users and passersby, waiting on the public sidewalks on the intersection. This increase in pedestrian traffic will likely have a knock-on effect with cyclist and vehicular traffic at both University Avenue and Queen Street West. | X |
| Pedestrian flow impacts at grade | The requirement to cross into the centre boulevard of a busy street to enter and exit the main station building will cause severe pedestrian and traffic congestion on both University Avenue and Queen Street West. This would be considered a potential safety issue during peak periods of travel or emergency incidents, with significant planning and/or crossing likely. There is insufficient on-street capacity to accommodate pedestrians waiting to cross the street; together with safety concerns at street level for passengers trying to access the main station building. Emergency egress onto median area of a major street is considered a significant safety risk. | X |
| Wet & dry utilities design & relocation requirements | Requires relocation of existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| Costs, schedule, and contractual implications | There would be substantial impacts to the Osgoode Hall property during construction, which may impact project cost and schedule; together with some construction challenges related to building the headhouse on the centre median boulevard itself. There would be operational impacts to Line 1 operations related to construction of the headhouse over the existing structure. | X |

| Location C – University Avenue East Boulevard Site | | CATEGORY | ASSESSMENT | IMPACT |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|  <p>Originally developed as part of the modified Relief Line 15% design, this proposal includes two new accessible entrances located on the east sidewalk of University Avenue directly north of Queen Street West, which could avoid permanent surface land requirements on Osgoode Hall property, although the keyhole excavation remains on Osgoode Hall property. Modification to the existing Line 1 concourse level would be required to expand passenger capacity and allow connections to Ontario Line vertical circulation located below grade on Osgoode Hall property, as would the construction laydown space. The impact of construction would be similar to the option at Location A – Osgoode Hall Site. The The heritage fence could be restored to its original location as would the landscaped areas on Osgoode Hall property, albeit with new trees replacing the originals.</p> | | Transportation planning, including short term operational – traffic & transit impacts | This option may have negative impacts to existing public sidewalks and cycling lanes located at the northeast corner on both University Avenue and Queen Street West, together with road-space available for northbound traffic on University Avenue due to limited space available in the public right-of-way. | |
| | | Ridership | Major sources of ridership in the northeast quadrant will overutilize the proposed northern-most entrance and underutilize the southern-most entrance, as located on the northeast side of university. Limitations on the area available for these entrances will limit passenger capacity. The Simcoe Street entrance structure also captures a major source of ridership from the southwest quadrant of the intersection, and on-street congestion is likely to occur. | X |
| | | Passenger access | The passenger connection from Westbound 501 streetcars to the two or more proposed station entrances to be located on the public sidewalk on the east side of University Avenue north of Queen Street West may not be accommodated by structures of limited footprint as shown. | |
| | | Constructability/ construction methods & laydown requirements | The keyhole excavation site is located, in part, on the southwest corner of Osgoode Hall Property, as is the proposed construction laydown area to the north. | X |
| | | Built heritage | Impact to Osgoode Hall is reduced with the fence and boundary line being temporarily dismantled and reinstated in current location. The War Memorial currently located on the centre median of University Avenue and 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | | Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees which cannot be replaced within the footprint of the keyhole excavation site due to the minimal vertical dimension allowed for the planting of replacement trees. | X |
| | | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall. | X |
| | | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street during construction but roadways remain open at reduced capacity. | |
| | | Long term operational/ transit integration & passenger flow | With connections to the existing open stairwells located on the southwest corner of the intersection shown as unchanged, there will be long term impacts to passenger flow in this quadrant of the intersection until such time as they are replaced by an accessible entrance with increased passenger capacity as part of the private development located within the proposed Bank of Canada development. | X |
| | | Pedestrian flow impacts at grade | The two proposed narrow entrance structures located on the east sidewalk at University Avenue will likely not provide sufficient vertical circulation capacity to the mezzanine. These narrow entrance structures will also impact the available street circulation space on the east sidewalk of University Avenue, causing pedestrian congestion. | X |
| | | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | | Costs, schedule, and contractual implications | There would be substantial impacts to the Osgoode Hall property during construction. While no permanent structures would be located above grade on the Osgoode Hall property itself, the heritage fence and the enclosed landscape would be restored, but with the loss of mature trees to be replaced by new trees of limited size. The proposed temporary construction space would also have temporary operational impacts to the judicial chambers and offices located at the west elevation of Osgoode Hall. | X |
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| | | | | |
| Location B – Campbell House Site | | CATEGORY | ASSESSMENT | IMPACT |
|  <p>This option shows the headhouse located on the northeast corner of the intersection, sitting directly in front of the Campbell House building, which would need to be removed from the site during excavation and construction and reinstated in place. The museum site is shown as being excavated in its entirety to accommodate vertical circulation to connect the Ontario Line station below with grade level. A small entrance structure is located on the northeast corner with the keyhole excavation located beneath the east sidewalk on University Avenue and on Osgoode Hall lands. A temporary laydown space for construction is shown on the west lawn of Osgoode Hall. A secondary entrance to the Ontario Line station is located in an existing bank building located at the southwest corner of Simcoe Street and Queen Street West.</p> | | Transportation planning, including short term operational – traffic & transit impacts | Reduces/limits disruption to pedestrians, cyclists and transit. Requires closure of traffic lanes on Queen and University during construction but roadways remain open at reduced capacity. Temporary impacts to University Avenue southbound lanes and west sidewalk at University Avenue. Replacement of existing stairwell entrance at northeast corner of intersection with station entrance structure will reduce clear space on the east sidewalk of University Avenue and the north sidewalk at Queen Street West will remain unchanged, with the existing westbound streetcar shelter likely remaining in place. Passenger flow and exiting requirements for the Ontario Line will need to be reviewed should the vertical circulation be located in the northwest quadrant as shown. | |
| | | Ridership | Available footprint for northeast entrance structure may not be sufficient to capture anticipated ridership from northeast corner; but widening the existing concourse level connection could allow additional passenger flow at the existing southeast entrance located within the Four Seasons Centre. The northwest corner of the intersection is not projected to be a major source of ridership. The Simcoe Street secondary entrance and the future renovations to the Line 1 entrance located within the Bank of Canada development would capture a major source of ridership from the southwest. | |
| | | Passenger access | Passenger access is distributed across all four quadrants of the site. Passenger connections from the westbound Queen streetcar would use the new station entrance located on the northeast corner. Passenger connections from the eastbound Queen streetcar would utilize the Simcoe Street entrance for OL connections and the existing stairwells at the southwest corner of the intersection (and eventually the new station entrance located within the proposed Bank of Canada Development). | |
| | | Constructability/ construction methods & laydown requirements | Keyhole excavations would be required at both northwest and northeast corners of intersection. The Campbell House site excavation is required to accommodate projected ridership volumes; while the main keyhole excavation on the Osgoode Hall property would be required to accommodate vertical access to the Ontario Line itself and to proposed temporary laydown space on adjacent Osgoode Hall lands. | X |
| | | Built heritage | Significant impacts to Campbell House with a temporary move and reinstatement of the museum building onsite and a station entrance structure located directly south. The heritage fence at Osgoode Hall and its supporting structure can be restored in their original location and the landscaped areas at the keyhole excavation site and the construction laydown area on the west lawn can be returned to their original location; although the mature trees removed at the excavation site will be replaced by ground cover as there is insufficient ground cover available to sustain mature trees. The war memorial and the bank building at 205 Queen St W are to be partially or fully dismantled and reinstated in place. | X |
| | | Natural heritage | Adverse impact to existing landscaped area at Campbell House property, which may not be able to be returned to their original condition due to at-grade passenger movements. Neither the fence or the existing gardens are heritage protected, as is the building exterior itself and all of its interior spaces; including the basement-level kitchens. | X |
| | | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall, but only if the keyhole excavation and or temporary construction laydown space must remain on the Osgoode Hall site. | |
| | | Temporary lane restrictions /Permanent lane closures | Requires lane closures at southbound lanes of University Avenue (both southbound and at Queen Street West (on both sides of intersection) during construction but both roadways remain open in both directions at reduced capacity. | |
| | | Long term operational/ transit integration & passenger flow | Passenger and pedestrian flow at the northeast corner of the intersection will likely remain restricted. Accommodation should be made for future PATH connections on the south side of Queen Street West east of University Avenue. If both the keyhole excavation and the temporary construction laydown space can be accommodated on the west side of University Avenue, the excavation required for the relocation of existing underground services located below the east sidewalk of University Avenue would have temporary impacts on various judicial chambers and offices located on the west side of Osgoode Hall. | X |
| | | Pedestrian flow impacts at grade | Pedestrians arriving at station from east side of University Avenue will choose closest access and will overload proposed small entrance at northeast corner causing congestion on both sidewalks and roadways. | X |
| | | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewers on both sides of University Avenue, which cannot be completed within the public right-of-way. There are a significant number of large Enwave water pipes located below the Simcoe Street pedestrian connection located north of Queen Street West, so its use for either keyhole excavation or a northwest quadrant station entrance may be an issue. | |
| | | Costs, schedule, and contractual implications | Substantial temporary impact to operations at Campbell House and/or any future development to be located on the 160 Queen Street West site. No major impacts to Osgoode Hall site if the keyhole excavation can be accommodated on the Campbell House site and temporary construction laydown space can be located adjacent. This option should be the subject of further review to establish whether the keyhole excavation can be accommodated on this site and if temporary construction laydown areas and site access can be made available. | |
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| Location A – Osgoode Hall Site | CATEGORY | ASSESSMENT | IMPACT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
|  <p>This option shows both the keyhole excavation required for vertical circulation to the Ontario line and the proposed headhouse entrance structure located on the southwest corner of the Osgoode Hall lands; with a temporary construction laydown area located on the west lawn of Osgoode Hall. The existing station entrance stairwell located on the east sidewalk on University Avenue will be replaced by a new entrance structure to the north of the proposed headhouse. The secondary entrance located on Simcoe Street will serve as a vertical circulation connection to the Ontario Line for the southwest corner of the intersection.</p> <p>Perkins Corporation</p> | Transportation planning, including short term operational – traffic & transit impacts | This option reduces disruption to vehicular traffic, pedestrians, cyclists and transit during construction, as it allows streetcar service to remain on Queen Street West. It will require temporary and phased closure of traffic lanes on Queen and University during construction, but roadways can remain open at reduced capacity. | |
| | Ridership | The two entrance structures are aligned with major sources of ridership located in the southwest and northeast quadrants, which will serve the projected ridership in an efficient manner and reduce possible impacts of general pedestrian traffic on the northeast corner of the intersection. | |
| | Passenger access | The limited area available at the Line 1 concourse level is potentially problematic due to anticipated conflicts in passenger flow patterns and will require additional study. | |
| | Constructability/ construction methods & laydown requirements | The keyhole excavation site and the headhouse structure are both completely located on the southwest corner of Osgoode Hall property, and thus minimize possible impacts to pedestrian flow on the public sidewalks adjacent. The proposed temporary laydown area located directly north on the west lawn of Osgoode Hall provides excellent site access and will be used only for the construction of Osgoode Station itself. Seven trees would be removed from locations in the centre of the west lawn to accommodate laydown functions; whereas the mature trees located adjacent to the perimeter fence would remain in place and be protected by hoarding throughout the construction process. | |
| | Built heritage | Significant impacts to Osgoode Hall where site will not be reinstated to its current configuration. The heritage fence and boundary structure are dismantled and relocated after completion of the headhouse construction. The headhouse location on the Osgoode Hall property will result in a permanent loss of the protected views looking north at the intersection. War memorial and 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees. The impact of a new headhouse structure once completed on the Osgoode Hall site will reduce the size of the landscaped area and reduce the size of replacement trees where planted within the footprint of the excavation due to limitations on planting depth. | X |
| | Operational impacts to Neighbouring Properties | Substantial operational impacts for duration of construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall due to laydown space and proximity to excavation. | X |
| | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. No permanent road impact is anticipated, with same configuration and capacity retained upon completion. | |
| | Long term operational/ transit integration & passenger flow | The proposed location of the headhouse on Osgoode Hall property, complete with the relocation of the perimeter heritage fence, will increase the area available for public use on this corner for years to come. The existing open stairwell entrance to the Line 1 concourse can be closed in favour of the headhouse and an additional small entrance structure to be located at the north end of the proposed concourse level pedestrian corridor. The design of the headhouse soffit creates a sheltered space for passengers waiting at the Westbound 501 streetcar stop, which may allow the removal of the existing open transit structure that serves that purpose now; allowing free use of the north sidewalk of Queen Street West at this corner. | |
| | Pedestrian flow impacts at grade | Both main station entrance options appear to be sized large enough so as not to negatively impact pedestrian circulation at street level. It may also be possible to utilize the proposed headhouse soffit located on Queen Street West as a passenger shelter at the westbound streetcar stop at University Avenue; thereby allowing demolition of the existing passenger shelter which currently constricts pedestrian traffic on the north sidewalk on Queen Street West. The option that includes an entrance located on the west elevation facing University Avenue would help separate the transfers from the 501 Streetcar transfer activity. | |
| | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | Costs, schedule, and contractual implications | While this option includes substantial impacts to the Osgoode Hall property both during and after construction, which may slow the schedule and increase costs; it generally aligns itself with the principles of good station design, passenger flow dynamics, acceptable levels of construction risk and minimizes the impact to traffic (vehicular, pedestrian, cyclists and transit passengers) both during and after construction. | |

FINDINGS AND CONCLUSIONS

The proposed site for the headhouse as located at 'Location A – Osgoode Hall Site' would appear to be the most suitable option for the design of the station; as it provides sufficient at-ground pedestrian and traffic flow at the critical westbound streetcar stop, with a workable design for both the keyhole excavation site and the vertical circulation needed to connect the existing Line 1 concourse level with that of the Ontario Line.

While there are operational concerns as related to the judicial chambers located on the west façade of Osgoode Hall during construction; together with both built and natural heritage concerns with the use of the Osgoode Hall site for the construction of the proposed headhouse on the northeast corner of the intersection (including permanent impacts to the heritage fence, its supporting structure, the existing tree canopy and protected views of the Osgoode site), none of the other location options reviewed here have proven themselves as being suitable for the development of a station design that meets the full set of criteria as analyzed in this review.

Based on the material provided by Metrolinx, and consideration of the same design criteria used in the current headhouse design at 'Location A – Osgoode Hall Site' we would suggest the 'Location B – Campbell House Site' may benefit from further analysis as a potentially feasible alternate location for the headhouse building for Osgoode Station.

This is Exhibit "K" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits

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February 2, 2023

Via Email wbrown@lso.ca, dmiles@lso.ca, esears@lso.ca

Law Society of Ontario
Osgoode Hall
130 Queen Street West
Toronto ON M5H 2N6

Attention: Wynna Brown, Diana Miles, Elliott Spears

Re: Anticipated Injunction by Law Society of Ontario

We are counsel to Metrolinx. We understand from a report in the Toronto Star that the Law Society of Ontario ("LSO") intends to bring an injunction to prevent our client from performing enabling work including tree clearing necessary for Stage II archeological work at Osgoode Hall.

We expect that any motion will be made on notice and that you will serve us with your materials. We will accept service by email. This is not an appropriate situation for ex parte relief and in the event you do move ex parte, we expect that you will provide a copy of this letter to the Court.

Although we have not seen your materials, we do not understand how the LSO would be able to meet any part of the three part test for an injunction. The LSO has no right to interfere with work being legally performed by Metrolinx on its own property. The LSO has no legal interest in the property, and there will be no harm, irreparable or otherwise, to the LSO's legal rights and interests.

The balance of convenience also favours the work proceeding. The Ontario Line is a critical provincial infrastructure project that will provide more frequent and reliable access to transit for Toronto residents and visitors. There will be significant consequences to both Metrolinx and the public from delays associated with the tree clearing and subsequent archeological work. In contrast, the LSO will not suffer any legally recognizable harm as a result of the enabling work necessary for the tree clearing of Metrolinx property.

Please have your lawyers contact us.

Yours very truly,

A handwritten signature in blue ink that reads "Byron Shaw".

Byron Shaw

BS/ab

e.c. Sam Rogers (McCarthy Tétrault)
Bonnie Greenaway (McCarthy Tétrault)

This is Exhibit "L" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Chowdhury

Commissioner for Taking Affidavits

PALIARE ROLAND

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File 100525

February 3, 2023

VIA EMAIL

Toronto City Hall
c/o Heritage Planning
100 Queen Street West
17th floor, East Tower
Toronto ON M5H 2N2
(heritageplanning@toronto.ca)

Dear Council Members:

Re: Application under section 33(1) of the *Ontario Heritage Act*: Adverse Heritage Effects of Metrolinx's Plans re: Osgoode Hall Site [Urgent]

We represent the Law Society of Ontario in relation to Metrolinx's proposal to use the land adjacent to Osgoode Hall (130 Queen St West) for both the construction of and preparatory work related to the Ontario Line.

The within letter constitutes the Law Society's preliminary submissions – subject to additional written arguments and expert and lay evidence – in relation to an application under section 33(1) of the *Ontario Heritage Act*.

In brief, Metrolinx is not permitted to use its expropriated land in a manner that adversely alters the heritage attributes of the Law Society's property. Under the *Ontario Heritage Act* (as discussed further below), Council has the duty to review and if satisfied provide permission to construction projects that may alter the heritage attributes of a municipally designated heritage site. Metrolinx does not have Council's approval with respect to the proposed work at Osgoode Hall.

The proposed Osgoode Hall site poses this very danger, and given Metrolinx's conduct to date, its proposal requires urgent review by Council. Otherwise, the Osgoode Hall Site – which has been the focal point of Ontario's judicial system and a symbol of the province's democratic ideals – is at risk of being irreparably damaged.

A. BACKGROUND

1. The Council has the Authority to Determine Ontario Heritage Act Disputes

Under section 33(1) of the *Ontario Heritage Act* (the "Act"), Council has the following authority:

33 (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2019, c. 9, Sched. 11, s. 11.¹

Under section 33(6) of the *Act*, Council can determine an application with respect to issues of alteration as follows:

33 (6) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (7),

(a) shall,

(i) consent to the application,

(ii) consent to the application on terms and conditions, or

(iii) refuse the application; and

(b) shall serve notice of its decision on the owner of the property and on the Trust. 2019, c. 9, Sched. 11, s. 11.²

2. *The Osgoode Hall Site is a Heritage Site under Municipal By-Law 477/90*

On September 25, 1990, the City of Toronto passed By-law No. 477/90 (the "By-law"), which designated the building(s) comprising of the Law Society of Upper Canada (as it was then) to be "of historical and architectural value or interest."³

The East Wing and the Gardens of Osgoode Hall are designated as protected heritage sites under Part IV of the *Act*. Schedule B of the By-law highlights the significance of the Osgoode Hall site, including its extensions and landscaped grounds, as a site which is a historical landmark in the development of the legal profession of Canada.

Key excerpts from Schedule B of the By-law are as follows:

¹ [Ontario Heritage Act](#), RSO 1990, c O.18, s 33(1).

² [Ontario Heritage Act](#), RSO 1990, c O.18, s 33(6).

³ By-law No. 477/90, September 25, 1990 (see [link](#))

- “The East Wing of Osgoode Hall was built on a site acquired from John Beverley Robinson as the headquarters for the Law Society of Upper Canada, the professional organization formed in 1797 to represent the Province of Ontario's lawyers. The building was named for William Osgoode, the first Chief Justice of Upper Canada”;
- “In 1829, construction of the present three-storey East Wing began according to the designs of architect John Ewart. In 1844-46, the East Wing was refaced to match a new West Wing designed by architect Henry Bowyer Lane. This building program was the result of an agreement whereby the Law Society provided accommodation at Osgoode Hall for the Supreme Courts of Ontario”;
- “In 1874, when Osgoode Hall was formally divided between the two occupants, the Law Society retained the East Wing and the lands to the south, east and northeast, while the Province acquired the remainder”;
- “The East Wing, constructed in red brick with stone detailing, reflects the English Palladian style. It was not altered after 1860, as further additions and changes were made to the north end of the building and the interiors”;
- “The First Law School Addition, including Convocation Hall, was designed by William Storm in 1880. Subsequent wings were designed by Storm in 1889, Saunders and Ryrie in 1937, and Mathers and Haldenby in 1956. In 1989, plans were approved to add two stories, designed by the Norr Partnership, to the latter addition”;
- “The First Law School Addition was designed by Storm (1880) in the Renaissance Revival style and constructed in buff brick, and portions are still visible from the south edge of the property. It is stylistically linked to the East Wing”;
- “The Second Law School Addition, designed by Storm (1889), has similar buff brick walls and additions. The latter wings are partially enclosed by the Third Law School Addition (1937), to the northeast of the East Wing. Both the Third Law School Addition and the Fourth Law School Addition (1956), attached to its north end, were influenced by the Modern style”;
- “Important interiors in the East Wing are the entrance and stairhall with decorative ceilings and stained glass dome, and the fireplace mantels, cornices, and ceiling decoration in the Benchers' Dining Room and the second floor Benchers' Reception Room”;
- “The Law Society grounds consist of the land south of the principal facade to Queen Street and west to University Avenue. This area, with cobblestone driveway and landscaped lawns, was laid out by John G. Howard, architect

and City Engineer, in 1843. It is partly enclosed by an ornate cast iron fence with six baffles, attributed to William Storm, cast by the St. Lawrence Foundry of Toronto, installed in 1866, and extended by a brick fence”; and,

- “The East Wing of Osgoode Hall with its extensions and landscaped grounds are an outstanding record of the continuing evolution of architectural styles in Canada from the early 19th century to present day, and are examples of the work of several of the most important architects in Toronto during this period. The site is an historical landmark in the development of the legal profession in Canada [emphasis added].”⁴

Based on the foregoing alone, there is no dispute that the Osgoode Hall site is a vital heritage location and a public space that preserves Ontario’s judicial history. The West Wing of Osgoode Hall continues to serve ordinary Ontarians as it houses both the Court of Appeal for Ontario and the Superior Court (Divisional Court).

3. *Metrolinx Expropriated Portions of the Osgoode Hall Site*

The Osgoode Hall site historically has had dual ownership. The Law Society’s property consists of the easterly portion of the Osgoode Hall building as well as the south facing landscaped lawns abutting Queen Street West and running westerly to University Avenue identified in the Parcel Abstract Map attached to this letter as Schedule “A”. The remainder of the site is owned by the Province of Ontario.

In July 2022, a portion of Osgoode Hall (at the south-west corner of the property) along with a strip along the southern frontage was expropriated from the Law Society to facilitate the construction of a subway station and related infrastructure for the Ontario Line. For clarity, Metrolinx is now the legal owner of this portion of the Osgoode Hall site.

4. *Metrolinx Intends to Use the Osgoode Hall Site for the Ontario Line Project*

To the extent Metrolinx has been transparent with its proposal for how it intends to use the expropriated portion of the Osgoode Hall site, the following is known and/or reasonably anticipated:

- a) Metrolinx is to use the expropriated land to construct a “keyhole.” A keyhole typically is a deep shaft dug into the ground, through which heavy construction equipment and workers can do excavation work and will ultimately be used as the entryway from ground level for passengers to enter the subway system. For the Ontario Line, some stations will be constructed using a “keyhole” method by digging down from future entrance building locations and then mining

⁴ By-law No. 477/90, September 25, 1990 (see [link](#))

outward to create station caverns for the concourses and platforms;
and,

- b) A “headhouse” will be constructed to cover the keyhole, which will serve as an entrance to the train platforms underground.

It is evident that this work will not only impact the expropriated land; it will negatively alter the heritage attributes of the balance of the Osgoode Hall site.

5. *There was an Independent Review by the City of Toronto on the Suitability of the Osgoode Hall Site*

Given the heritage interests at stake, the City of Toronto retained Parsons Corporation, an expert engineering firm, to conduct a third-party review on the suitability of Metrolinx’s proposal to use the Osgoode Hall site – in particular, placing a keyhole and a headhouse in such a historic location – and to consider alternative sites (the “Report”).

While Parsons was conducting the review, Metrolinx made a series of representations to community members on the Report and how it would account for the Report’s finding:

- On August 9, 2022, at an Osgoode community meeting, Metrolinx affirmed that before taking further steps on the Osgoode Hall site it would await the outcome of the City of Toronto’s third-party review;
- At that meeting, Metrolinx said that it welcomed the comments this Report would provide and that it wanted the best possible outcome for the people of Toronto; and,
- There would be more than one consultation meeting with community members to best put into action the findings of the Report.

As set out below, Metrolinx did not honour these promises.

6. *Metrolinx failed to adequately consult and conduct proper due diligence*

On February 1, 2023, Metrolinx arranged a hastily-called meeting of community representatives on the suitability of using the property adjacent to Osgoode Hall for both the construction of and preparatory work related to the Ontario Line (the “Meeting”).

While it called the Meeting, Metrolinx did not indicate that the Meeting concerned anything other than an update on the City’s third-party review. Metrolinx did not say that the Meeting was to consult with community stakeholders on the Report.

Community members, including the Law Society, were not even aware the Report had been completed.

Even worse, before the Meeting, stakeholders (including the Law Society of Ontario) did not receive a copy of the Report nor were they aware that such a Report has been released to Metrolinx. To date, the Law Society does not have a copy of the Report.⁵

At the Meeting, the City presented a presentation deck prepared by Parsons Corporation (“Parsons”), the City’s third-party reviewer. The presentation slides indicated that the Osgoode Hall site appeared to be the most suitable location. However, the presentation slides used during the Meeting also appear to contradict the conclusions that the Osgoode Hall site is the only reasonable site (see attached as Schedule “B” to this letter). For example, one of the slides in the presentation deck (used at the Meeting) said as follows about the conclusions of the Report:

Based on the material provided by Metrolinx, and consideration of the same design criteria used in the current headhouse design at ‘Location A – Osgoode Hall Site’ we would suggest the ‘Location B – Campbell House Site’ may benefit from further analysis as a potentially feasible alternate location for the headhouse building for Osgoode Station.

In other words, the presentation materials acknowledge that an alternative site may be as or more appropriate and it has simply not conducted the necessary due diligence.

A community consultation meeting is not a one-way conversation. Without the Report, the Law Society and other community stakeholders cannot engage in a meaningful discussion of what the Report says and the appropriate next steps if they are denied the chance to review the Report. Conducting a “community representative meeting” without providing the Report beforehand amounts to rubberstamping the process without meaningfully engaging in an informed dialogue.

7. *Metrolinx has started preparatory work, including work necessary to cut down trees*

On February 2, 2023 (less than twelve hours after its failed community meeting), Metrolinx began preparatory work on the Osgoode Hall site. It currently has security personnel on site and construction workers erecting fences. Steps are also being taken to cut down trees as part of this preparatory work, which are part of the heritage protected landscaping that has been a vibrant urban forest for well

⁵ On February 3, 2023 (and on the eve of filing these submissions), the Law Society became aware that the Ontario Line website included an email address to request a copy of the Report. This email address or option was not provided to the attendees before the February Meeting. The Law Society requested a copy of the report from the email address, but have not received a copy to date.

over a century. Metrolinx did so without notice to the community, presumably give the outcry following its previous announcement in November 2022 that it would be removing these trees.

To ensure that Metrolinx's misconduct does not result in irreparable and lasting damage to the Osgoode Hall site, the Law Society commenced this application to urge Council to conduct its review. Given the exigency of the circumstances, the Law Society will file further submissions and supporting evidence that crystalizes the threats to the protected heritage attributes of the Osgoode Hall site.

B. THREATS TO THE PROTECTED HERITAGE ATTRIBUTES OF OSGOODE HALL SITE

1. The Law Society has a Duty to Bring Issues Related to Heritage Attributes to the Council

Section 33(1) requires that no property owner “shall alter the property or permit the alteration of the property” if the alternation is likely to affect the property heritage attributes.⁶ The *Act* defines alternation as “to change in any manner and includes to restore, renovate, repair or disturb.”

Under the *Act*, the Law Society has an obligation to bring to the Council's attention the proposal of a public body (Metrolinx) intending to use its expropriated land in a manner that will alter the heritage attributes of the property that the Law Society owns as stewards for the public. In other words, the issue for Council to determine on the application is this: can Metrolinx proceed with its proposed plan without any review from Council when such a plan directly affects the heritage attributes of the balance of the property?

In our submission, the answer is “no” and Council must review the many ways Metrolinx's proposal adversely affects the heritage character of the Law Society's portion of the Osgoode Hall site.

Subject to further submissions, the mere fact that the applicable Minister has consented to Metrolinx's proposal does not absolve the Council of its obligations under section 33(1).

2. Metrolinx's Proposal will Adversely Affect the Heritage Attributes of the Osgoode Hall Site

Subject to further expert and lay evidence and written submissions, Metrolinx's proposal at minimum risks fundamentally altering the following heritage attributes:

- Landscaped lawns and one of the last remaining green spaces in Downtown Toronto;

⁶ [Ontario Heritage Act](#), RSO 1990, c O.18, s 33(1).

- Historic cast iron fences;
- Overall heritage and historic character of the building and adjacent land, which would be permanently and irreparably marred by a headhouse and a keyhole;
- Viewscape of the site from nearby streets; and,
- The relationship to the urban landscape, and larger community of neighboring heritage buildings.

Ultimately, the Osgoode Hall site is not just another building or green space. It has been a symbol of Ontario over 150 years. It is one of the few remaining buildings and natural sites that captures the historical evolution of the province and an historic and rare urban forest. It is a symbol of justice and growth of the rule of law in our country, and therefore of our democracy.

At the same time, the Osgoode Hall site is functional and forms a core part of many ordinary Ontarians' lives. The building at the Osgoode Hall site houses the highest court in Ontario (the Court of Appeal), which for most Ontarians is effectively the court of last review. The lawn, the gardens, and the historic trees are sites of everyday activities: from people having their wedding photos taken to children enjoying the green space. The Osgoode Hall site's heritage attributes underscore both its history and the continued public good it provides.

3. *Council Must Consider Metrolinx's Refusal to Conduct Adequate Due Diligence*

As part of assessing whether Metrolinx's proposed plans will alter the heritage attributes of Law Society's portion of the Osgoode Hall site, Council must consider that there are other options available to Metrolinx.

As described above, the Law Society does not have a copy of the Report which opined on the suitability of the Osgoode Hall site. However, from the presentation materials used at the Meeting (see Schedule "B"), it is clear that Parsons – the only organization to conduct an independent review on the feasibility of the site - acknowledges the potential impact of Metrolinx's project on both the building and natural heritage characteristics of the Osgoode Hall property, as well as the impact on protected viewsapes: see Schedule "B" of this letter.

Parsons also acknowledges alternative sites which may not raise these same concerns, but which require "further analysis". As such, it is not possible for Metrolinx to conclude that the Osgoode Hall site is either the "most suitable" site or that the project will deliver the best possible outcome for community members when Metrolinx has not done the analysis necessary to assess the alternative sites, including one which the Report says is potentially feasible.

This is especially true where the impacts of proceeding with the Osgoode Hall site risk causing irreparable harm to a heritage protected site, protected viewscales and a rare example of an urban forest. The further study required to determine if these alternative sites are as suitable is a small consequence when compared to the undoing of a protected space and centre of our justice system and of our democracy.

Metrolinx refuses to engage in such an analysis and is instead content to proceed with cutting down trees in haste without having provided any of the stakeholders with an opportunity to meaningfully review and consult on the Report.

C. REMEDY SOUGHT AND CONCLUSION

In sum, Metrolinx's misconduct and roughshod approach has necessitated this urgent application to Council. Metrolinx's proposed plan will permanently and adversely alter the heritage characteristics of one of the few remaining historic sites in downtown Toronto – one that is a symbol of justice and democracy. The Council should not permit such an event to take place.

Under section 34(4.2) of the *Act*, the Council should grant this application (pending further submissions and evidence) and order that Metrolinx cannot proceed further with its proposal without further due diligence and consultation with community representatives, including the Law Society.

Yours very truly,

PALIARE ROLAND ROSENBERG ROTHSTEIN LLP



Linda R. Rothstein
LRR:MC

C: Michael Fenrick and Mannu Chowdhury, Paliare Roland Rosenberg Rothstein LLP

Byron Shaw, Sam Rogers, Bonnie Greenaway, McCarthy Tetrault LLP, counsel for Metrolinx

Schedule "B"

The Ontario Line

LAND ACKNOWLEDGEMENT

Let us take a moment to acknowledge we are on lands that have been, and continue to be, home to many Indigenous Peoples including the Anishnabeg, the Haudenosaunee and the Huron-Wendat peoples.

We are all Treaty people. Many of us have come here as settlers, as immigrants or involuntarily as part of the trans-Atlantic slave trade, in this generation, or generations past.

We acknowledge the historic and continued impacts of colonization and the need to work towards meaningful reconciliation with the original caretakers of this land.

We acknowledge that Metrolinx operates on territories and lands covered by many treaties that affirm and value the rights of Indigenous communities, Nations and Peoples.

We understand the importance of working towards reconciliation with the original caretakers of this land. At Metrolinx, we will conduct business in a manner that is built on a foundation of trust, respect and collaboration.



The Ontario Line

SAFETY MOMENT: TEXT-FOR-HELP

- A new text-for-help support program now gives customers one more safety option on GO Transit and UP Express.
- People can discreetly report immediate safety or security concerns by texting "HELP" to 77777.
- The Customer Protective Services team will reply to the text within 90 seconds and will converse with the person to understand the concern. If needed, the team can assist by dispatching support or local police services.
- This provides a discreet, fast, and effective way to request assistance while on board or at stations, without drawing attention in moments when one may feel vulnerable.



**Safety is
at your
fingertips.**

Text 'HELP' to
77777

**Help is a
text away.**

Standard message
rates may apply

The Ontario Line

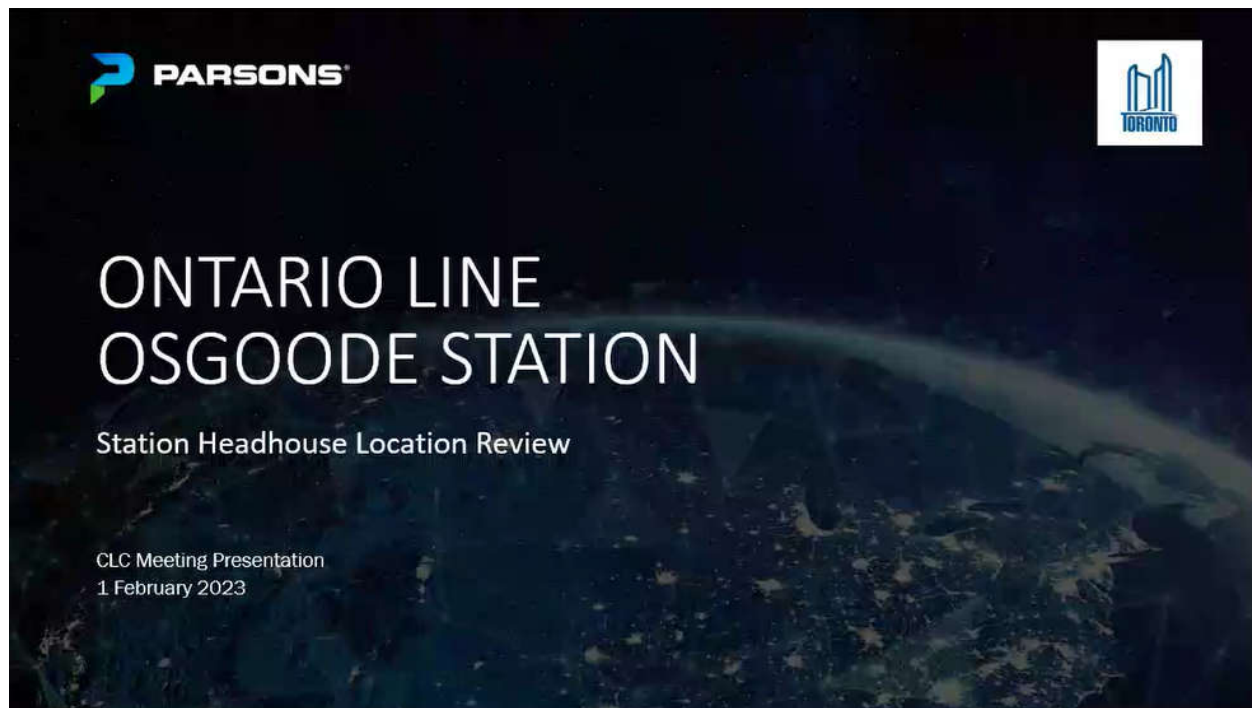
INTRODUCTIONS AND MEETING ETIQUETTE

Introductions

- Darren Cooney - Chair
- Richard Borbridge - Program Director, Subway Program, City of Toronto
- Peter Lloyd-Jones - Parsons Corporation, Third-Party Reviewer
- Malcolm MacKay - Program Sponsor, Ontario Line

Meeting Etiquette

- To help this meeting run as smoothly as possible, please:
 - Be respectful to all meeting participants
 - Allow all people the chance to speak before taking a second turn
 - Remain muted, unless you are called upon
 - Use the "hands up" icon to raise your hand to speak
 - Only make comments and questions about the focus of the meeting: the Osgoode Station Location Review
- Questions will be taken in the order they are received.
- Turning on your video is encouraged, but not required.



PURPOSE OF THE REVIEW

Parsons utilized a variety of subject experts to analyze each proposed location for the headhouse including:

- transportation planning – review of current state of transportation and designing for future transportation needs
- ridership goals – ensuring maximum projected ridership is served
- passenger access – ensuring efficient and comfortable access to passengers
- constructability issues – review of construction methodologies, including use of alternate methods to mitigate risk
- built and natural heritage – review of impacts to heritage properties and natural environments
- operational impacts – impacts on neighbouring properties, either during construction or permanent
- temporary and permanent traffic closures – review of lane closures or traffic rerouting during construction or permanent
- long term transit integration and passenger flow requirements – review of passenger flow metrics, including queue lengths, dwell times, etc.
- utilities relocations – review of all existing under and above-ground utilities and requirements for rerouting same
- project cost and schedule implications – rough cost estimates and construction schedule reviews

The stated objective of the review was to identify critical considerations for siting the keyhole excavation and headhouse structure at this intersection, through the development of a 'checklist' against which all proposed alternative options were evaluated; thereby allowing us to identify where key design and technical considerations can or cannot be met.

This completed review now provides an objective third-party response to the current proposed locations for the Ontario Line headhouse location at Osgoode Station and serves to inform the City of Toronto's view as a key Stakeholder on the Ontario Line project.

Parsons Corporation

Sensitive / Proprietary

3

PURPOSE OF THE REVIEW

In October 2022, the City of Toronto asked Parsons Corporation to perform a high-end due diligence review of the ten proposed locations for the headhouse for the Ontario Line at Osgoode Station.

This review was conducted to examine the need to utilize existing Osgoode Hall property located at the northeast corner of the intersection as the preferred headhouse location, with further considerations of the proposed keyhole excavation method, which will allow construction of a mined cavern to accommodate the concourse and platform levels for the new Ontario Line. This excavation will also create vertical circulation space connection grade level with the new Ontario Line concourse level, including stairs, escalators, and elevators.

Parsons was also asked to investigate the feasibility of alternative headhouse locations as proposed by Metrolinx and others as identified through previous investigations.

Parsons was provided with a substantial amount of information documenting the Ontario Line in general and the location of the headhouse structure at the northeast corner of the intersection as proposed by Metrolinx. Information on the remaining alternate locations was generally limited to the graphics already shown by Metrolinx at public meetings, however both Metrolinx and their technical advisors have been forthcoming with additional information as requested in a series of technical workshops.

PURPOSE OF THE REVIEW

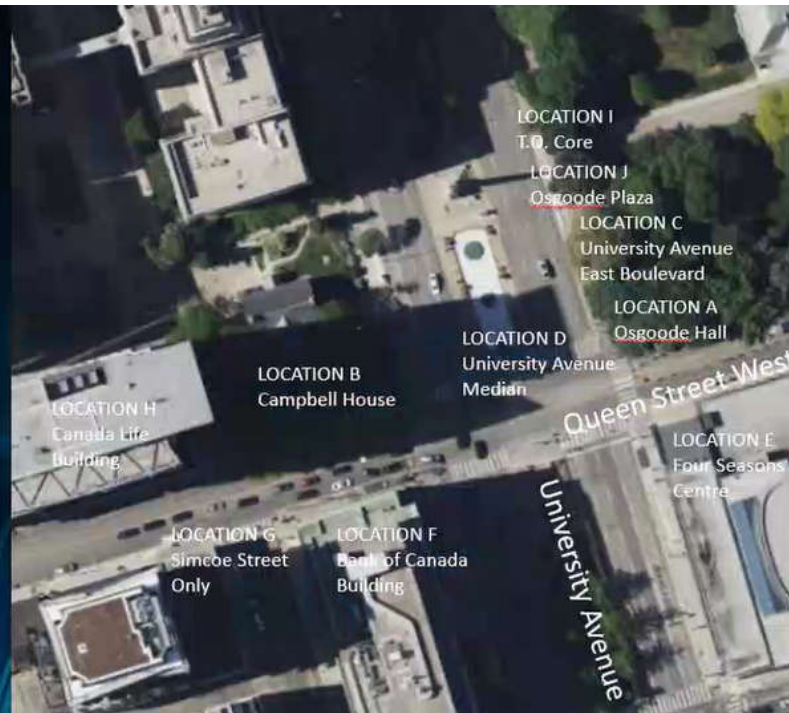
Parsons utilized a variety of subject experts to analyze each proposed location for the headhouse including:


- transportation planning – review of current state of transportation and designing for future transportation needs
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- built and natural heritage – review of impacts to heritage properties and natural environments
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The stated objective of the review was to identify critical considerations for siting the keyhole excavation and headhouse structure at this intersection, through the development of a 'checklist' against which all proposed alternative options were evaluated; thereby allowing us to identify where key design and technical considerations can or cannot be met.

This completed review now provides an objective third-party response to the current proposed locations for the Ontario Line headhouse location at Osgoode Station and serves to inform the City of Toronto's view as a key Stakeholder on the Ontario Line project.

TEN ALTERNATE LOCATIONS FOR THE HEADHOUSE AT OSGOODE STATION




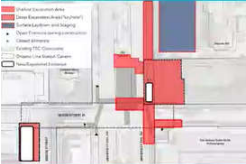

| Location J - Osgoode Plaza Proposal  <p>This option was described in a proposal not provided by Metrolinx, instead it is a community proposal that describes the station headhouse structure located on an expanded boulevard sidewalk located on the east side of University Avenue north of Queen Street West, as part of a larger plan to relocate the existing northbound vehicle lanes and cycle lane located on University Avenue to the area currently occupied by the existing median boulevard located at the centre of University Avenue both north and south of its intersection with Queen Street West. Traffic on University Avenue would be reduced from 6 lanes to 4 lanes to accommodate this proposed change.</p> | CATEGORY | ASSESSMENT | IMPACT |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| | Transportation planning, including short term operational – traffic & transit impacts | Substantial temporary and permanent impacts to University Avenue related to a proposed redevelopment of a broad east sidewalk replacing the existing centre median boulevard space. No studies regarding potential impacts of construction to vehicular, streetcar or pedestrian traffic as related to the proposed reduction of traffic lanes on University Avenue have been completed at this time. | X |
| | Ridership | The two proposed major entrances are aligned with the major sources of ridership as located in the southwest and northeast quadrants. Although not shown, it is assumed that the secondary entrance structure located on Simcoe Street is included in the plan). | |
| | Passenger access | With a newly-created east boulevard space available for the headhouse structure; together with a possible second entrance located to the north at the northeast corner of the intersection, there should be no issues with passenger at grade level. Spatial issues on the concourse level will likely still be an issue; especially with an intermodal station. | |
| | Constructability/ construction methods & laydown requirements | A temporary construction laydown area could be located on the new east boulevard located directly north of the proposed headhouse. There are structural concerns and risks related to the proximity of proposed new excavation and construction located directly adjacent to the existing Line 1 station tunnel. There are no studies related to possible impacts and construction risks related to the existing Line 1 tunnel and the need for the relocation of the ventilation system which is currently located beneath the centre median. Substantial budget and schedule issues are anticipated related to the scope of the work, as it appears to extend for blocks north and south of Queen Street West on University Avenue. It should be noted that the T.O. Core alternative shows a keyhole excavation site partially located on Osgoode Hall property. | X |
| | Built heritage | There would be no physical impact to Osgoode Hall, assuming laydown area and keyhole can be located within the proposed boulevard space itself. There has been no design or subsequent studies to evaluate whether this is possible. The war memorial located on the centre median and the bank building located at 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | New trees would be planted as part of the new east boulevard on University Avenue, replacing the limited landscape features currently located in the centre median. The Osgoode Hall property; including all landscaped areas, would remain largely untouched. | |
| | Operational impacts to Neighbouring Properties | There would be limited impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall, as all construction and excavation activities would be located directly adjacent to the Osgoode Hall property and not on it. | X |
| | Temporary lane restrictions /Permanent lane closures | Substantial lane closures for both northbound and southbound traffic would be required for the removal of the existing median boulevard space; together with changes required to the existing ventilation shafts serving the Line 1 tunnel below grade. There would also be lane restrictions required on Queen Street West; however vehicular, cyclist and streetcar traffic can be maintained throughout construction. | X |
| | Long term operational/ transit integration & passenger flow | There are no known transit studies related to the development of a new park as described in this proposal. No long term operational or transit integration studies have been completed. | X |
| | Pedestrian flow impacts at grade | There is no design showing the proposed headhouse location or site. No pedestrian flow impact studies have been performed to test the proposed location as shown. | X |
| | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | Costs, schedule, and contractual implications | There would be substantial budget and schedule issues related to the planning and construction of a new park and the proposed realignment of University Avenue. The proposed changes would have a severe impact on current active transit planning activities. Construction risks related to the relocation of the keyhole excavation site directly adjacent to the existing Line 1 tunnel have not yet been established. | X |
| | | | |
| | | | |


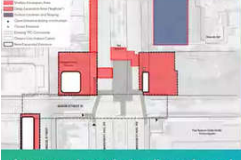
| Location I - T.O. Core Site  <p>This option utilizes a proposal for the future redevelopment of University Avenue which eliminates the existing median boulevard and relocates the existing northbound lanes in its place; thereby providing space for a broad landscaped area that runs the full length of University Avenue. The current 6-lane configuration of University Avenue would be reduced to 4 lanes of traffic. The proposed headhouse structure would be located onto this wide east sidewalk directly north of Queen Street West. A keyhole excavation needed for vertical circulation to the Ontario Line would be located on the Southwest corner of the Osgoode Hall property; together with a temporary construction area located on the west lawn of Osgoode Hall. The Simcoe Street entrance would serve as a secondary entrance to the Ontario Line.</p> | CATEGORY | ASSESSMENT | IMPACT |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| | Transportation planning, including short term operational – traffic & transit impacts | Substantial temporary and permanent impacts to University Avenue related to a proposed redevelopment of a broad east sidewalk replacing the existing centre median boulevard space. The T.O. Core study was originally completed for the City of Toronto as part of a larger study related to the enhancement of various public realms located in downtown Toronto. This is a City of Toronto-led initiative currently in the conceptual stages of development; where planning and approvals timelines are not currently aligned with the construction schedule of the Ontario Line project. The proposed location of the headhouse within the boulevard may not meet the City's vision for the T.O. Core project. | X |
| | Ridership | The two proposed major entrances are aligned with the major sources of ridership as located in the southwest and northeast quadrants. | |
| | Passenger access | With a newly-created east boulevard space available for the headhouse structure; together with a possible second entrance located to the north at the northeast corner of the intersection, there should be no issues with passenger at grade level. Spatial issues on the concourse level will likely still be an issue; especially with an intermodal station. | |
| | Constructability/ construction methods & laydown requirements | The proposed keyhole excavation is shown partially located on the southwest corner of the Osgoode Hall Property. A temporary construction laydown area would be located on the west lawn of Osgoode Hall. There are potential structural concerns and risks with the proximity of the proposed vertical circulation excavation and construction located directly adjacent to the existing Line 1 station tunnel. | X |
| | Built heritage | The construction impact to Osgoode Hall property is incrementally reduced with fence and boundary line being temporarily dismantled and reinstated in current location. The existing war memorial located on the centre median and the bank building located at 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | While the footprint of the keyhole excavation is reduced, there remains a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees located directly above the proposed keyhole excavation site. | X |
| | Operational impacts to Neighbouring Properties | There would be substantial impacts during construction to courtroom and judicial chambers located along the West Elevation of Osgoode Hall, which will likely impact their operations during the period of construction. | X |
| | Temporary lane restrictions /Permanent lane closures | Substantial lane closures for both northbound and southbound traffic on University Avenue would be required for the removal of the existing median boulevard space; together with changes to the existing ventilation shafts serving Line 1 below. | X |
| | Long term operational/ transit integration & passenger flow | There are no known transit studies related to the development of a new park as described in this proposal. The reduction of an existing 6-lane boulevard on University Avenue to a 4-lane street will likely create a congestion point for vehicles in the future. | X |
| | Pedestrian flow impacts at grade | The proposed reduction of traffic lanes on University Avenue from 6 lanes to a permanent 4-lane configuration will create a congestion point for vehicles in combination with an abnormal street alignment. High levels of driver frustration combined with an irregular configuration and high volumes of pedestrian flow is not considered desirable and presents a safety concern for both passengers and pedestrians. | X |
| | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | Costs, schedule, and contractual implications | There would be substantial budget and schedule issues related to the planning and construction of a new park and the realignment of University Avenue to accommodate the construction of a headhouse in this location. The proposed changes would have a severe impact on current active transit planning activities. Construction risks related to the relocation of the keyhole excavation site directly adjacent to the existing Line 1 tunnel have not yet been established. | X |
| | | | |

| Location H - Canada Life Building Site  | CATEGORY | ASSESSMENT | IMPACT |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| | Transportation planning, including short term operational – traffic & transit impacts | There would be substantial impacts to Queen Street West vehicular, cyclist and streetcar traffic during construction; together with issues for pedestrians on the north side of the right-of-way, University Avenue itself would not be impacted. | X |
| | Ridership | Both major entrances to the station (the headhouse and the Simcoe Street entrance) would be located west of Simcoe Street and will not capture major station ridership anticipated at the northeast corner. The horizontal distance between Line 1 and Ontario Line concourses and platforms within this intermodal station would be excessive. | X |
| | Passenger access | Northwest passenger access and vertical circulation would likely be insufficient to meet projected ridership demand. Passenger congestion on-street and at the concourse level is likely. | X |
| | Constructability/ construction methods & laydown requirements | There are substantial technical issues with the proposed construction of vertical circulation in an existing occupied privately-owned building. Temporary construction laydown space may be accommodated on either the Campbell House site adjacent or the Osgoode Hall property; but no accommodation for the possible location of laydown space has been provided. | X |
| | Built heritage | No impact to Osgoode Hall, but only if the construction laydown area can be accommodated elsewhere.. The existing war memorial located on the centre median of University Avenue and the bank building located at 205 Queen St W would be partially or fully dismantled and reinstated after the completion of construction. | X |
| | Natural heritage | Other than the possibility of requirements for temporary construction laydown spaces on either the Campbell House or Osgoode Hall sites; neither site would be impacted. | X |
| | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to the existing office building, should further study confirm that this property is suitable for construction of a headhouse. Neighbouring properties, such as Campbell House, would also be impacted. | X |
| | Temporary lane restrictions /Permanent lane closures | A westbound streetcar stop on Queen Street West connecting to a station entrance in this location would cause a permanent reduction of traffic on Queen Street West itself. The westbound streetcar stop would require a permanent reduction to vehicular and streetcar traffic connecting the two station entrances. A traffic light or level crossing in this area would likely further impede local vehicular traffic. | X |
| | Long term operational/ transit integration & passenger flow | There are operational issues for a westbound streetcar stop located west of Simcoe Street. Increased passenger flow anticipated at the northeast corner may not be accommodated by one or more new or expanded entrances. | X |
| | Pedestrian flow impacts at grade | Mid-block location of westbound streetcar stop will require additional light or level crossing to connect to station entrances at north and south side of Queen Street West. | X |
| <p>This option describes the location of the proposed station headhouse within an existing office building located at 180 Queen Street West, on the site located directly west of the existing Simcoe Street pedestrian walkway, utilizing existing lobby areas at grade and existing parking, storage and service areas located below grade. There are unknown impacts to spatial and structural demands within the existing building. If a keyhole excavation is to be located on this site; it is likely more cost-effective to demolish the existing office building and develop a new mixed-use building that integrates the transit excavation and construction directly. No graphic material for this option has been provided by Metrolinx.</p> | Wet & dry utilities design & relocation requirements | Minimal utility impact is expected, even with a Line 1 concourse level connection connecting both station entrances below Queen Street West. | |
| | Costs, schedule, and contractual implications | Major impacts to an existing privately-owned mid-rise office building would be required, including but not limited to its closure and partial or total demolition, with unknown technical issues as related to the proposed vertical circulation and/or keyhole excavation, etc. | X |
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| Location G - Simcoe Street Only Site  | CATEGORY | ASSESSMENT | IMPACT |
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| | Transportation planning, including short term operational – traffic & transit impacts | There would be temporary impacts to pedestrian and vehicular traffic on Queen Street West and at the southbound lanes of University Avenue during construction and shorter-term duration impacts for shallow excavations related to the construction of Line 1 concourse level passageways. | |
| | Ridership | The proposed northeast entrance structures are likely too small to sufficiently capture the major source of ridership from the northeast quadrant. The Simcoe Street entrance would capture the major source of ridership from the southwest quadrant. | X |
| | Passenger access | Proposed vertical circulation at the northeast quadrant is likely insufficient to meet projected ridership demands. Passenger congestion on-street and at the concourse level is likely. | X |
| | Constructability/ construction methods & laydown requirements | No temporary construction laydown site is shown in this option. This is likely an error, as the Osgoode Hall site would likely be utilized for this purpose. If a separate laydown space has been proposed for a site elsewhere; it has not been documented by Metrolinx or its consultants. | X |
| | Built heritage | Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. War memorial and 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | No impacts to Osgoode Hall or Campbell House sites as shown, as neither of these properties appears to be utilized for excavation or construction.. | |
| | Operational Impacts to Neighbouring Properties | There will be temporary operational impacts during excavation and construction of the spaces within Osgoode Hall that face the west lawn, as shallow excavations for both the relocation of existing underground services and the northern extension of the concourse level entrances. | |
| | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. New work located beneath Queen Street will negatively impact vehicular and streetcar traffic during construction. | |
| | Long term operational/ transit integration & passenger flow | Limited availability of public space at the sidewalk at the northeast corner will likely cause long term operational issues with this configuration, and others of its ilk. With ridership projected to expand in the coming years on the Westbound 501 streetcar line, there may well be serious issues with the connections for intermodal connections at both grade and concourse levels at this corner. | X |
| | Pedestrian flow impacts at grade | The proposed station entrance structures located on the east side of University Avenue will likely not have sufficient vertical circulation capacity. On street pedestrian congestion is likely to occur on the northeast corner of the intersection, both for transit users and pedestrians waiting to cross either University Avenue or Queen Street West from the northeast corner of the intersection. | X |
| <p>This option involves a shallow excavation located below the east sidewalk of University Avenue for a new Line 1 concourse level connection to two new entrance structures to be located on the northeast corner of the intersection. Access to Ontario Line would be accommodated via passenger circulation areas connected to the Simcoe Street entrance structure. Additional new or expanded passageways would connect the Simcoe Street entrance to Line 1 subway at concourse level.</p> | Wet & dry utilities design & relocation requirements | Requires relocation of the existing watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. Requires relocation of the existing watermain and gas main along the south side of the Queen Street. Requires relocation of the existing combined sanitary sewers on both sides of the University Avenue. Depending on the size of expanded concourse-level passageway, relocation of the existing combined sanitary sewers needs to be coordinated to fit in the public ROW. | |
| | Costs, schedule, and contractual implications | There would be substantial issues related to the development of the extensions to the existing concourse level as shown here; especially as related to the phased excavation and construction required to maintain the station throughout all stages of construction. There may be further issues related to the future development of the Bank of Canada building and its proximity to the shallow concourse-level excavation for additional pedestrian circulation to connect the new Simcoe Street entrance and the main station concourse space. | X |

| Location F - Bank of Canada Building Site  <p>This option involves the integration of a new headhouse entrance into an existing 8-storey heritage building (Bank of Canada Building) located at the southwest corner of the intersection. The owners of this building have made a development application for the construction of a 54-storey mixed-use building above the existing structure. Once the original building is removed, the keyhole excavation for the Ontario Line station and temporary construction laydown space would be located on this site. Existing Line 1 subway concourse-level passageways would be widened to meet increased passenger flow and exiting requirements; together with an expansion of the Line 1 concourse north to connect to a new northeast entrance structure. The Simcoe Street entrance structure is shown located adjacent to the proposed Ontario Line vertical circulation connection; which are redundant.</p> | CATEGORY | ASSESSMENT | IMPACT |
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| | Transportation planning, including short term operational – traffic & transit impacts | There will be construction-related impacts to traffic on Queen Street West and the southbound lanes on University Avenue, with likely shorter-term duration traffic impacts at the shallow Line 1 concourse-level excavation located within the intersection. | |
| | Ridership | Proposed northeast entrance structures will likely be too small to sufficiently capture anticipated ridership from northeast quadrant. The two entrances located within the southwest quadrant are capturing the same source of ridership. | X |
| | Passenger access | Proposed vertical circulation at the northeast quadrant is likely insufficient to meet projected ridership demands. Passenger congestion on-street and at the concourse level is likely. | X |
| | Constructability/ construction methods & laydown requirements | Demolition of the existing 8-storey heritage building will provide adjacent temporary construction laydown area onsite. Protected heritage facades and possible interior spaces will need to be panelized and removed from the site, before being integrated into the new development on the site. | |
| | Built heritage | Significant impact to the Bank of Canada building, with the requirement to remove and reinstate existing heritage elevations at all four main elevations; together with the removal and subsequent recreation of the original lobby space. Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. War memorial and 205 Queen St W will be partially or fully dismantled and reinstated | X |
| | Natural heritage | No direct impact to Osgoode Hall or Campbell House sites. | |
| | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to the existing bank of Canada building and the proposed mixed-use redevelopment of the site. There will be limited operational impacts to the judicial spaces located on the west elevation of Osgoode Hall, as the shallow excavation and construction required due to the relocation of existing underground services and the northern extension of the existing concourse level pedestrian connection during the period of station construction. | X |
| | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. New work located beneath Queen Street will negatively impact vehicular and streetcar traffic during construction. | |
| | Long term operational/ transit integration & passenger flow | Limited availability of public space at the sidewalk at the northeast corner will likely cause long term operational issues with this configuration, and others of its ilk. With ridership projected to expand in the coming years on the Westbound 501 streetcar line, there may well be serious issues with the connections for intermodal connections at both grade and concourse levels at this corner. | X |
| | Pedestrian flow impacts at grade | Proposed station entrance structures located on the east side of University Avenue will likely not have sufficient vertical circulation capacity, causing on-street pedestrian congestion. Configuration of two main station buildings within same southwest quadrant is redundant and captures the same group of passengers. The Simcoe Street entrance will be underutilized due to lack of direct access to the Line 1 concourse level. | X |
| | Wet & dry utilities design & relocation requirements | Requires relocation of the existing watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. Requires relocation of the existing combined sanitary sewers on both sides of the University Avenue. Depending on the size of the concourse-level passageway expansion, relocation of the existing combined sanitary sewers needs to be coordinated to fit in the public ROW. | |
| | Costs, schedule, and contractual implications | Substantial impact to budget and schedule of planned renovation and addition of a 54-storey mixed-use development currently being planned for the existing Bank of Canada building. With a keyhole excavation and subsequent station construction likely to cause havoc with the proposed budget and schedule of the proposed privately-owned mixed-use building. Minimal implications to the Osgoode Hall and Campbell House sites, beyond some temporary operations impacts during construction. | X |
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| Location E – Four Seasons Centre Site | | CATEGORY | ASSESSMENT | IMPACT |
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|  <p>This option would involve expansion of the existing transit entrance located at the Four Seasons Centre on the southeast corner of the intersection. Modifications to the existing Line 1 subway concourse would be required to expand passenger capacity and connect to the Ontario Line vertical circulation located below grade on Osgoode Hall property. The existing stairwell entrance currently located near northeast corner of the intersection at the east sidewalk of University Avenue would be replaced by new entrance structures to meet increased passenger capacity and accessibility requirements. The Simcoe Street entrance structure would provide a secondary entrance.</p> | | Transportation planning, including short term operational – traffic & transit impacts | Reduces/limits disruption to pedestrians, cyclists and transit (allows streetcar service to remain). Requires closure of traffic lanes on Queen and University during construction but roadways remain open at reduced capacity. There would be increased impacts to Queen Street during construction, including streetcar service, due to the expansion of the existing north/south pedestrian connection at the east side of the intersection. It should be noted that this relatively shallow concourse-level connection may serve as a means of relieving passenger pressure on the busy northeast corner in any scenario where the station entrances are limited to the use of public space on the east sidewalk of University located north of Queen Street West. | |
| | | Ridership | The proposed northeast entrance structure is likely too small to sufficiently capture ridership from northeast. Simcoe St entrance would capture major source of ridership from southwest corner. Southeast quadrant provides the smallest anticipated ridership volume. Access locations do not align with ridership demand. | X |
| | | Passenger access | Proposed vertical circulation at the northeast quadrant is likely insufficient to meet projected ridership demands. Passenger congestion on-street and at the concourse level is likely. The addition of capacity of a widened pedestrian concourse located beneath Queen Street West on the east side of its intersection with University Avenue may be found to increase ridership at the existing station entrance located within the Four Seasons Centre. The development of a future pedestrian corridor located beneath the south sidewalk of Queen Street West adjacent to the existing performing arts building could also serve to make a connection to the existing Toronto PATH system, currently located in the Sheraton Centre Hotel as located on the south side of Queen Street West directly east of York Street. | |
| | | Constructability/ construction methods & laydown requirements | Keyhole excavation located on southwest corner of Osgoode Hall Property. Laydown area located on Osgoode Hall Property directly north of excavation site. | X |
| | | Built heritage | Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. War memorial and 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | | Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property, including the loss of mature trees. | X |
| | | Operational impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall; together with operational impacts to some functions of the performing arts centre. | X |
| | | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. New work located beneath Queen Street will negatively impact vehicular and streetcar traffic during construction. | |
| | | Long term operational/ transit integration & passenger flow | Limited availability of public space at the sidewalk at the northeast corner will likely cause long term operational issues with this configuration, and others of its ilk. With ridership projected to expand in the coming years on the Westbound 501 streetcar line, there may well be serious issues with the connections for intermodal connections at both grade and concourse levels at this corner. | X |
| | | Pedestrian flow impacts at grade | The proposed station access on the east side of University Avenue will likely not have sufficient vertical circulation capacity, causing on-street pedestrian congestion. | X |
| | | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | | Costs, schedule, and contractual implications | Substantial impacts to Osgoode Hall property during construction. No permanent structures would be located at grade, the heritage fence and the landscape would be restored, but with the loss of mature trees to be replaced by new trees of limited size. | X |
| Location D – University Avenue Median Site | | CATEGORY | ASSESSMENT | IMPACT |
|  <p>This proposal shows the keyhole excavation located at the southwest corner of the Osgoode Hall property; together with construction laydown space located temporarily on the west lawn of Osgoode Hall. The existing stairway entrance located on the east sidewalk of University Avenue north of Queen Street West would be replaced with an accessible entrance structure located to the north. The station headhouse structure would be located on the existing landscaped median strip located in the centre of University Avenue, leading into an expanded Line 1 concourse space and connecting to the vertical circulation connection leading to the Ontario Line concourse as located on restored green space located below Osgoode Hall property. The Simcoe Street entrance would serve as the western entrance to the Ontario Line concourse level.</p> | | Transportation planning, including short term operational – traffic & transit impacts | This location option is likely to result in significant pedestrian congestion at the University Avenue median, as there will be issues with passenger connections between both eastbound and westbound streetcar stops and both Line 1 and Ontario Line. Any proposed widening of the median to provide additional space for pedestrian refuge/stacking during emergencies or other incidents may impact the number of traffic lanes available on University Avenue. | X |
| | | Ridership | Station access located on the University Avenue median does not offer optimal capture of a major source of ridership from the northeast quadrant. The Simcoe Street entrance will capture ridership from the southwest quadrant. | X |
| | | Passenger access | Median does not provide sufficient space for anticipated passenger crowding volumes while waiting for crossing signals or a safe path of travel away from the station in an emergency. Passengers must wait for traffic signal and safe crossing for every access or egress from the station, adding substantial time (2-min lights?) to their journey. | X |
| | | Constructability/ construction methods & laydown requirements | The keyhole excavation site is located on the southwest corner of Osgoode Hall property, with the temporary construction laydown area located on the west lawn of Osgoode Hall. Major constructability regarding the construction of a new headhouse structure on top of an operating subway line. | X |
| | | Built heritage | Significant impact to the war memorial with the dismantle and relocation of the memorial. And the new headhouse blocking the view from the south. Impact to Osgoode Hall is reduced with fence and boundary line being temporarily dismantled and reinstated in current location. 205 Queen St W are partially dismantled and reinstated. | X |
| | | Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees, at both the keyhole excavation site and the proposed temporary construction laydown site as shown. | X |
| | | Operational impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall; which could be mitigated by temporary removal of courthouse functions to another site. | X |
| | | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street during construction but roadways remain open at reduced capacity. | |
| | | Long term operational/ transit integration & passenger flow | The proposed location of a major station entrance located on the existing median will likely cause ongoing transit connection and safety issues with passenger connections to the westbound streetcar stop. If passengers leaving the Westbound 501 streetcar must cross to a new station entrance located on the centre median on University Avenue directly north of Queen Street West, there will be substantial numbers of pedestrians, both transit users and passersby, waiting on the public sidewalks on the intersection. This increase in pedestrian traffic will likely have a knock-on effect with cyclist and vehicular traffic at both University Avenue and Queen Street West. | X |
| | | Pedestrian flow impacts at grade | The requirement to cross into the center boulevard of a busy street to enter and exit the main station building will cause severe pedestrian and traffic congestion on both University Avenue and Queen Street West. This would be considered a potential safety issue during peak periods of travel or emergency incidents, with significant platooning and/or crowding likely. There is insufficient on-street capacity to accommodate pedestrians waiting to cross the street; together with safety concerns at street level for passengers trying to access the main station building. Emergency egress onto median area of a major street is considered a significant safety risk. | X |
| | | Wet & dry utilities design & relocation requirements | Requires relocation of existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | | Costs, schedule, and contractual implications | There would be substantial impacts to the Osgoode Hall property during construction, which may impact project cost and schedule; together with some construction challenges related to building the headhouse on the centre median boulevard itself. There would be operational impacts to Line 1 operations related to construction of the headhouse over the existing structure. | X |

| Location C – University Avenue East Boulevard Site | | CATEGORY | ASSESSMENT | IMPACT |
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|  <p>Originally developed as part of the modified Relief Line 15% design, this proposal includes two new accessible entrances located on the east sidewalk of University Avenue directly north of Queen Street West, which could avoid permanent surface land requirements on Osgoode Hall property, although the keyhole excavation remains on Osgoode Hall property. Modification to the existing Line 1 concourse level would be required to expand passenger capacity and allow connections to Ontario Line vertical circulation located below grade on Osgoode Hall property, as would the construction laydown space. The impact of construction would be similar to the option at Location A – Osgoode Hall Site. The The heritage fence could be restored to its original location as would the landscaped areas on Osgoode Hall property, albeit with new trees replacing the originals.</p> | | Transportation planning, including short term operational – traffic & transit impacts | This option may have negative impacts to existing public sidewalks and cycling lanes located at the northeast corner on both University Avenue and Queen Street West, together with road-space available for northbound traffic on University Avenue due to limited space available in the public right-of-way. | |
| | | Ridership | Major sources of ridership in the northeast quadrant will overutilize the proposed northern-most entrance and underutilize the southern-most entrance, as located on the northeast side of university. Limitations on the area available for these entrances will limit passenger capacity. The Simcoe Street entrance structure also captures a major source of ridership from the southwest quadrant of the intersection, and on-street congestion is likely to occur. | X |
| | | Passenger access | The passenger connection from Westbound 501 streetcars to the two or more proposed station entrances to be located on the public sidewalk on the east side of University Avenue north of Queen Street West may not be accommodated by structures of limited footprint as shown. | |
| | | Constructability/ construction methods & laydown requirements | The keyhole excavation site is located, in part, on the southwest corner of Osgoode Hall Property, as is the proposed construction laydown area to the north. | X |
| | | Built heritage | Impact to Osgoode Hall is reduced with the fence and boundary line being temporarily dismantled and reinstated in current location. The War Memorial currently located on the centre median of University Avenue and 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | | Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees which cannot be replaced within the footprint of the keyhole excavation site due to the minimal vertical dimension allowed for the planting of replacement trees. | X |
| | | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall. | X |
| | | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street during construction but roadways remain open at reduced capacity. | |
| | | Long term operational/ transit integration & passenger flow | With connections to the existing open stairwells located on the southwest corner of the intersection shown as unchanged, there will be long term impacts to passenger flow in this quadrant of the intersection until such time as they are replaced by an accessible entrance with increased passenger capacity as part of the private development located within the proposed Bank of Canada development. | X |
| | | Pedestrian flow impacts at grade | The two proposed narrow entrance structures located on the east sidewalk at University Avenue will likely not provide sufficient vertical circulation capacity to the mezzanine. These narrow entrance structures will also impact the available street circulation space on the east sidewalk of University Avenue, causing pedestrian congestion. | X |
| | | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | | Costs, schedule, and contractual implications | There would be substantial impacts to the Osgoode Hall property during construction. While no permanent structures would be located above grade on the Osgoode Hall property itself, the heritage fence and the enclosed landscape would be restored, but with the loss of mature trees to be replaced by new trees of limited size. The proposed temporary construction space would also have temporary operational impacts to the judicial chambers and offices located at the west elevation of Osgoode Hall. | X |
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| Location B – Campbell House Site | | CATEGORY | ASSESSMENT | IMPACT |
|  <p>This option shows the headhouse located on the northeast corner of the intersection, sitting directly in front of the Campbell House building, which would need to be removed from the site during excavation and construction and reinstated in place. The museum site is shown as being excavated in its entirety to accommodate vertical circulation to connect the Ontario Line station below with grade level. A small entrance structure is located on the northeast corner with the keyhole excavation located beneath the east sidewalk on University Avenue and on Osgoode Hall lands. A temporary laydown space for construction is shown on the west lawn of Osgoode Hall. A secondary entrance to the Ontario Line station is located in an existing bank building located at the southwest corner of Simcoe Street and Queen Street West.</p> | | Transportation planning, including short term operational – traffic & transit impacts | Reduces/limits disruption to pedestrians, cyclists and transit. Requires closure of traffic lanes on Queen and University during construction but roadways remain open at reduced capacity. Temporary impacts to University Avenue southbound lanes and west sidewalk at University Avenue. Replacement of existing stairwell entrance at northeast corner of intersection with station entrance structure will reduce clear space on the east sidewalk of University Avenue and the north sidewalk at Queen Street West will remain unchanged, with the existing westbound streetcar shelter likely remaining in place. Passenger flow and exiting requirements for the Ontario Line will need to be reviewed should the vertical circulation be located in the northwest quadrant as shown. | |
| | | Ridership | Available footprint for northeast entrance structure may not be sufficient to capture anticipated ridership from northeast corner, but widening the existing concourse level connection could allow additional passenger flow at the existing southeast entrance located within the Four Seasons Centre. The northwest corner of the intersection is not projected to be a major source of ridership. The Simcoe Street secondary entrance and the future renovations to the Line 1 entrance located within the Bank of Canada development would capture a major source of ridership from the southwest. | |
| | | Passenger access | Passenger access is distributed across all four quadrants of the site. Passenger connections from the westbound Queen streetcar would use the new station entrance located on the northeast corner. Passenger connections from the eastbound Queen streetcar would utilize the Simcoe Street entrance for OL connections and the existing stairwells at the southwest corner of the intersection (and eventually the new station entrance located within the proposed Bank of Canada Development). | |
| | | Constructability/ construction methods & laydown requirements | Keyhole excavations would be required at both northwest and northeast corners of intersection. The Campbell House site excavation is required to accommodate projected ridership volumes; while the main keyhole excavation on the Osgoode Hall property would be required to accommodate vertical access to the Ontario Line itself and to proposed temporary laydown space on adjacent Osgoode Hall lands. | X |
| | | Built heritage | Significant impacts to Campbell House with a temporary move and reinstatement of the museum building onsite and a station entrance structure located directly south. The heritage fence at Osgoode Hall and its supporting structure can be restored in their original location and the landscaped areas at the keyhole excavation site and the construction laydown area on the west lawn can be returned to their original location; although the mature trees removed at the excavation site will be replaced by ground cover as there is insufficient ground cover available to sustain mature trees. The war memorial and the bank building at 205 Queen St W are to be partially or fully dismantled and reinstated in place. | X |
| | | Natural heritage | Adverse impact to existing landscaped area at Campbell House property, which may not be able to be returned to their original condition due to at-grade passenger movements. Neither the fence or the existing gardens are heritage protected, as is the building exterior itself and all of its interior spaces; including the basement-level kitchens. | X |
| | | Operational Impacts to Neighbouring Properties | Substantial operational impacts during construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall, but only if the keyhole excavation and or temporary construction laydown space must remain on the Osgoode Hall site. | |
| | | Temporary lane restrictions /Permanent lane closures | Requires lane closures at southbound lanes of University Avenue (both southbound and at Queen Street West (on both sides of intersection) during construction but both roadways remain open in both directions at reduced capacity. | |
| | | Long term operational/ transit integration & passenger flow | Passenger and pedestrian flow at the northeast corner of the intersection will likely remain restricted. Accommodation should be made for future PATH connections on the south side of Queen Street West east of University Avenue. If both the keyhole excavation and the temporary construction laydown space can be accommodated on the west side of University Avenue, the excavation required for the relocation of existing underground services located below the east sidewalk of University Avenue would have temporary impacts on various judicial chambers and offices located on the west side of Osgoode Hall. | X |
| | | Pedestrian flow impacts at grade | Pedestrians arriving at station from east side of University Avenue will choose closest access and will overload proposed small entrance at northeast corner causing congestion on both sidewalks and roadways. | X |
| | | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewers on both sides of University Avenue, which cannot be completed within the public right-of-way. There are a significant number of large Enwave water pipes located below the Simcoe Street pedestrian connection located north of Queen Street West, so its use for either keyhole excavation or a northwest quadrant station entrance may be an issue. | |
| | | Costs, schedule, and contractual implications | Substantial temporary impact to operations at Campbell House and/or any future development to be located on the 160 Queen Street West site. No major impacts to Osgoode Hall site if the keyhole excavation can be accommodated on the Campbell House site and temporary construction laydown space can be located adjacent. This option should be the subject of further review to establish whether the keyhole excavation can be accommodated on this site and if temporary construction laydown areas and site access can be made available. | |
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| Location A – Osgoode Hall Site | CATEGORY | ASSESSMENT | IMPACT |
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| <p>This option shows both the keyhole excavation required for vertical circulation to the Ontario line and the proposed headhouse entrance structure located on the southwest corner of the Osgoode Hall lands; with a temporary construction laydown area located on the west lawn of Osgoode Hall. The existing station entrance stairwell located on the east sidewalk on University Avenue will be replaced by a new entrance structure to the north of the proposed headhouse. The secondary entrance located on Simcoe Street will serve as a vertical circulation connection to the Ontario Line for the southwest corner of the intersection.</p> <p>Parsons Corporation</p> | Transportation planning, including short term operational – traffic & transit impacts | This option reduces disruption to vehicular traffic, pedestrians, cyclists and transit during construction, as it allows streetcar service to remain on Queen Street West. It will require temporary and phased closure of traffic lanes on Queen and University during construction, but roadways can remain open at reduced capacity. | |
| | Ridership | The two entrance structures are aligned with major sources of ridership located in the southwest and northeast quadrants, which will serve the projected ridership in an efficient manner and reduce possible impacts of general pedestrian traffic on the northeast corner of the intersection. | |
| | Passenger access | The limited area available at the Line 1 concourse level is potentially problematic due to anticipated conflicts in passenger flow patterns and will require additional study. | |
| | Constructability/ construction methods & laydown requirements | The keyhole excavation site and the headhouse structure are both completely located on the southwest corner of Osgoode Hall property, and thus minimize possible impacts to pedestrian flow on the public sidewalks adjacent. The proposed temporary laydown area located directly north on the west lawn of Osgoode Hall provides excellent site access and will be used only for the construction of Osgoode Station itself. Seven trees would be removed from locations in the centre of the west lawn to accommodate laydown functions; whereas the mature trees located adjacent to the perimeter fence would remain in place and be protected by hoarding throughout the construction process. | |
| | Built heritage | Significant impacts to Osgoode Hall where site will not be reinstated to its current configuration. The heritage fence and boundary structure are dismantled and relocated after completion of the headhouse construction. The headhouse location on the Osgoode Hall property will result in a permanent loss of the protected views looking north at the intersection. War memorial and 205 Queen St W are partially or fully dismantled and reinstated. | X |
| | Natural heritage | There will be a direct adverse impact to the existing landscaped area located at the southwest corner of the Osgoode Hall property; together with direct physical impacts to the existing landscape and features of Osgoode Hall property; including the loss of mature trees. The impact of a new headhouse structure once completed on the Osgoode Hall site will reduce the size of the landscaped area and reduce the size of replacement trees where planted within the footprint of the excavation due to limitations on planting depth. | X |
| | Operational impacts to Neighbouring Properties | Substantial operational impacts for duration of construction to courtroom operations and judicial chambers located along the West Elevation of Osgoode Hall due to laydown space and proximity to excavation. | X |
| | Temporary lane restrictions /Permanent lane closures | Requires lane closures at both University Avenue and Queen Street West during construction but roadways remain open at reduced capacity. No permanent road impact is anticipated, with same configuration and capacity retained upon completion. | |
| | Long term operational/ transit integration & passenger flow | The proposed location of the headhouse on Osgoode Hall property, complete with the relocation of the perimeter heritage fence, will increase the area available for public use on this corner for years to come. The existing open stairwell entrance to the Line 1 concourse can be closed in favour of the headhouse and an additional small entrance structure to be located at the north end of the proposed concourse level pedestrian corridor. The design of the headhouse soffit creates a sheltered space for passengers waiting at the Westbound 501 streetcar stop, which may allow the removal of the existing open transit structure that serves that purpose now; allowing free use of the north sidewalk of Queen Street West at this corner. | |
| | Pedestrian flow impacts at grade | Both main station entrance options appear to be sized large enough so as not to negatively impact pedestrian circulation at street level. It may also be possible to utilize the proposed headhouse soffit located on Queen Street West as a passenger shelter at the westbound streetcar stop at University Avenue; thereby allowing demolition of the existing passenger shelter which currently constricts pedestrian traffic on the north sidewalk on Queen Street West. The option that includes an entrance located on the west elevation facing University Avenue would help separate the transfers from the 501 Streetcar transfer activity. | |
| | Wet & dry utilities design & relocation requirements | Requires relocation of the existing combined sanitary sewer, watermain and gas main in the east boulevard and northbound curb lane of the University Avenue. | |
| | Costs, schedule, and contractual implications | While this option includes substantial impacts to the Osgoode Hall property both during and after construction, which may slow the schedule and increase costs; it generally aligns itself with the principles of good station design, passenger flow dynamics, acceptable levels of construction risk and minimizes the impact to traffic (vehicular, pedestrian, cyclists and transit passengers) both during and after construction. | |

FINDINGS AND CONCLUSIONS

The proposed site for the headhouse as located at 'Location A – Osgoode Hall Site' would appear to be the most suitable option for the design of the station; as it provides sufficient at-ground pedestrian and traffic flow at the critical westbound streetcar stop, with a workable design for both the keyhole excavation site and the vertical circulation needed to connect the existing Line 1 concourse level with that of the Ontario Line.

While there are operational concerns as related to the judicial chambers located on the west façade of Osgoode Hall during construction; together with both built and natural heritage concerns with the use of the Osgoode Hall site for the construction of the proposed headhouse on the northeast corner of the intersection (including permanent impacts to the heritage fence, its supporting structure, the existing tree canopy and protected views of the Osgoode site), none of the other location options reviewed here have proven themselves as being suitable for the development of a station design that meets the full set of criteria as analyzed in this review.

Based on the material provided by Metrolinx, and consideration of the same design criteria used in the current headhouse design at 'Location A – Osgoode Hall Site' we would suggest the 'Location B – Campbell House Site' may benefit from further analysis as a potentially feasible alternate location for the headhouse building for Osgoode Station.

This is Exhibit "M" referred to in the
Affidavit of Diana Miles
affirmed February 3, 2023

Manne Choudhury

Commissioner for Taking Affidavits



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Ontario Line

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The Ontario Line is a 15.5 kilometre rapid transit line that will connect the Ontario Science Centre to the Exhibition/Ontario Place grounds and provide relief to Line 1 (Yonge-University).

For more information about the project, or to find information about past and future public engagement, please visit [Metrolinx's Ontario Line](#) project page.

Expand All +

Collapse All -

Project Background +

Status +

Public Consultations -

- [Ontario Line Osgoode Station Headhouse Location Review Presentation](#)
- To request a copy of the objective third-party Ontario Line Osgoode Station Headhouse Location Review, please contact us at transitTO@toronto.ca.

Contact Information

Email: transitTO@toronto.ca

Related Information

[Ontario Line Osgoode Station Headhouse Location Review Presentation](#)

[2019.EX9.1: Toronto-Ontario Transit Update](#)

[2020.EX16.5: Provincial Priority Transit Expansion Projects - Subway Program Status Update Q3 2020](#)

[2020.EX18.3: Update on Metrolinx Transit Expansion Projects - Fourth Quarter 2020](#)

[2021.EX25.5: Update on Metrolinx Transit Expansion Projects - Second Quarter 2021](#)

[2022.EX33.1: Metrolinx Transit Expansion Projects - Second Quarter 2022](#)

[Ontario-Toronto Partnership Preliminary Agreement](#)

[Ontario Regulation 248/19 Interim Measures – Upload of Rapid Transit Projects](#)

Court File No.

LAW SOCIETY OF ONTARIO
Applicant

-and- **METROLINX**
Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

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Lawyers for the Applicant

TAB 3

Court File No. CV-23-00694198-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

LAW SOCIETY OF ONTARIO

Applicant

and

METROLINX

Respondent

AFFIDAVIT OF CHRISTOPHER BORGAL

(Affirmed on February 6, 2023)

I, **Christopher Borgal**, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am an architect and one of Canada's leading heritage experts and consultants. As such, I have personal knowledge of and expertise in the matters contained in this affidavit. Where I do not have personal knowledge of a matter to which I depose, I state the source of that information and I believe it to be true.

Qualifications

2. I obtained a bachelor's degree in Architecture from the University of Toronto in 1974 and a Certificate of Practice after 3 years of internship in 1977. Since then, I have worked primarily in heritage conservation. Over my 46 years working in this area, I have provided consulting services for over 2,500 heritage sites across Canada, the United States, and the Caribbean. My work has frequently been involved with the restoration of

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historic public buildings, including government buildings, libraries, theatres, museums, transportation facilities and airports, as well as churches. Attached as **Exhibit “A”** to my affidavit is a copy of my *curriculum vitae*.

3. Nationally, I am respected as an expert in heritage architecture and conservation. I have won over 50 awards from municipal, provincial, and national organizations for my work in heritage consultation, including involvement with two Governor General’s awards for my office’s work on Toronto’s New National Ballet School and the Royal Conservatory of Music.

4. At various times, I have served as the President of the Architectural Conservancy of Ontario, both the Ontario Chapter and National President of the Canadian Association of Heritage Professionals, as well as a Committee Chair for the Ontario Association of Architects. I have also delivered numerous lectures and presentations on topics relating to architecture and heritage conservation, including lectures at Royal Architectural Institute of Canada conferences, conferences hosted by the Canadian and Ontario Museums Associations, and Architectural Schools at universities across the Province

5. As an architect and consultant, I have worked extensively with historic government buildings and landmarks. Most notably, I acted as the Project Conservation Architect for numerous restoration projects undertaken on Parliament Hill, including the restoration of the South Façade and masonry repairs made to the Parliamentary Library, East Block, West Block, and Vaux wall. More broadly, within Ontario, I have acted as a heritage consultant for projects including the redesign of Old Guelph City Hall, the upgrade of Parry Sound and Haileybury courthouses, and the restoration of several heritage fixtures at

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Queens Park. In other parts of Canada, and internationally, I have also provided consultation services to the State Capital Building in Puerto Rico, for the upgrade of the British Columbia Legislature Complex, and for the restoration of Alberta Legislative Precinct.

6. I have specific expertise in the unique heritage sites that are found in Toronto and surrounding areas. Most recently, I was the Heritage Consultant for the recently completed restoration of Massey Hall; and recently consulted on a planned upgrade of the Fisher Rare Books Library at the University of Toronto; restoration projects undertaken at Union Station; and, currently, the heritage component of the \$1.5 billion McDonald Block renovations occurring at Queen's Park. In the past, I have also acted as a heritage consultant for restoration and upgrade projects that involved the Flat Iron Building, the Mirvish Theatre, and the new Google Headquarters on King Street East. Through these projects and others, I have developed a deep knowledge for the rich history of the City of Toronto and the unique attributes of its landmarks.

7. Relevant to this matter, I have also specifically consulted as a heritage expert on projects that involved the restoration of exterior fixtures at historic sites in Toronto. These include the restoration of cast iron light fixtures at Palmerston Ave, repairs that were made to the Princes' Gates, and restorations done to the exterior façade and canopy of the Royal Alexandra theatre.

8. I have specific experience with the *Ontario Heritage Act* ("OHA"). As a consultant, I helped planning authorities in Goderich, Seaforth, Exeter, Essex to develop some of the earliest Heritage Conservation District Plans ever to be completed in Ontario. Since then,

I have continued to assist municipalities develop new Heritage Conservation District Plans for historically important areas across the province. I have consulted on hundreds of heritage impact assessments, advising specifically on how best new development could be integrated into a community's existing heritage landscape. Finally, I have worked with several municipalities to consider the potential designation of historical locations as heritage sites.

9. I also have provided expert opinions on heritage issues before several administrative bodies, including before the Ontario Land Tribunal, the former Local Planning Appeal Tribunal and Ontario Municipal Board.

Purpose of Affidavit

10. I have been retained by the Law Society of Ontario ("LSO") to provide an expert opinion regarding the heritage attributes of Osgoode Hall and the associated property as defined in City of Toronto By-Law 477/90, and to consider what, if any, effects Metrolinx's plans will have on the heritage value of the portions of that site which the LSO owns.

11. I have also been asked to opine as to the existence of other Canadian historic sites which have multiple different legal owners, and to consider whether members of the heritage community understand these sites to be whole and indivisible.

12. Finally, I have been asked to review the report that was prepared by that Parsons Corporation, dated February 1, 2023. In relation to this report, I have been asked to discuss any concerns that I may have about Metrolinx's evaluation and assessment of the heritage impacts of its project on the Osgoode Hall site.

Duty as an Expert

13. I have reviewed rule 53.03 of the *Rules of Civil Procedure* and Form 53. I understand and acknowledge that it is my duty and undertake to provide evidence that is:

- (a) fair, objective, and non-partisan
- (b) relevant only to matters that are within my area of expertise; and
- (c) to provide additional assistance as the court may reasonably require to determine the matters in issue.

14. Attached as **Exhibit "B"** to this affidavit is my expert report with a signed and dated Form 53 attached. I believe all the opinions that I provide in my report are fair, objective, and non-partisan, and I have only opined on matters that within my area of expertise, as described in this affidavit.

15. I swear this affidavit for the purposes of this application and for no other or improper purpose.

AFFIRMED remotely by Christopher Borgal at the City of Toronto, in the Province of Ontario, before me on the 6th day of February, 2023 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.

Mannu Chowdhury

Commissioner for Taking Affidavits
(or as may be)

Mannu Chowdhury

(Signature of deponent)

This is Exhibit "A"
referred to in the Affidavit of Christopher Borgal,
affirmed February 6th, 2023
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely



Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury



Experience

Christopher Borgal has over 45 years of experience as an architect and is one of Canada's leading heritage consultants. He has specialised knowledge in historic restoration, heritage planning, and heritage urban design. He has provided consulting services to over 2,500 heritage sites in Canada, the U.S. and the Caribbean during his career on projects involving both the public and private sector sites. Mr. Borgal was the Project Conservation Architect (within PWGSC) for the restoration of the south facade of the Centre Block, Parliament Hill, from 1994 to 1997 and has been involved at various periods with the East and West Blocks on Parliament Hill (1990's); the British Columbia Legislative Assembly building (2000's); the Alberta Legislative Complex (early 2000's) and the Ontario Legislature complex (recent). As sole proprietor of GBCA, he recently completed the restoration component for the major re-development of Massey Hall in Toronto and, with his firm, was previously involved with the Governor General's Award-winning Royal Conservatory of Music and National Ballet School among many other notable sites. He is also the author of many planning assessments and has provided legal testimony and opinion in many appearances at the Local Planning Appeal Tribunal (LPAT), the former Ontario Municipal Board (OMB), the current Ontario Lands Tribunal (OLT) and the former Conservation Review Board (CRB).

A significant part of Mr. Borgal's work has involved the interface between heritage buildings, both as individual sites, groups, and districts with the surrounding evolution of the communities in which they are situated. This planning and urban design experience has helped guide the integration of new and old portions of communities in a manner that allows all periods of buildings to co-exist. He has always understood that by this means, heritage can have a profound effect on the shape and size of new developments. Indeed, Mr. Borgal, with original business partner Nicholas Hill, prepared some of the earliest Heritage Conservation District Plans in Ontario (in the 1970's) which plans have guided development over the intervening decades. More recent projects have included discussions between the community and developers. On the development of a major industrial building, in Galt, Mr. Borgal's input had a profound impact that both allowed an integrated development while saving the context of the original buildings. Similarly, as an integrated part of the team, GBCA were the architects for the old Guelph City Hall which was converted into a Provincial Offences Act Courthouse - the integration of the design between new and old, including the former arena wall, has had a significant impact on the quality of the new overall City Hall development. Among many other examples, the development of a half block area on King Street in Toronto integrating several 1850's heritage buildings along with careful consideration of shadowing issues related to St. James Cathedral will result in a satisfactory blend of new and old for the new Canadian headquarters of Google. In Toronto, significant structures, including the Flat Iron Building, the former Summerhill Railway Station, and many other visible and important sites have benefitted from his input. Every heritage impact assessment and design for heritage buildings involving new development involves a component of urban design - Mr. Borgal and GBCA are masters at this work and are sought by major developers across Ontario for their input. This has extended to major public sites including Parliament Hill (heritage consulting to the recent Parliamentary and Judicial Precinct Master Plan); the British Columbia Legislature Complex (wrote half the planning document for the future of the site and participated in seismic upgrading activities of the dome), the Alberta Legislature complex planning (with Kasian Architects and Sasaki & Associates) and many other major sites. His Canadian site involvement ranges from Newfoundland to British Columbia with many urban and rural sites between.

Mr. Borgal has made personal training in conservation a life-long process and has travelled both to the U.S. and the U.K. for courses in the various components of the conservation craft. He has worked with some of the most accomplished professionals in North America including as an associate for two years of the late Dr. Martin Weaver, the past head of the school of conservation at Columbia University. He has delivered lectures at many universities and community colleges in Canada on the topic of conservation and continues to do so. Mr Borgal is a signatory of the New Orleans Charter (1992) which describes the approach to the installation of museums into heritage sites and spent several years prior to that charter adding to the knowledge base which informed its creation. He has also provided services to the Getty Institute for site review and analysis as a part of teams for sites ranging from Buffalo, Chicago, and Los Angeles in the US to St. Lucia in the Caribbean. Mr. Borgal has shared recognition in over 30 awards for his work from local, provincial and national organisations including sharing in recognition for Governor General's Awards as a part of the teams for the National Ballet School and for the Royal Conservatory of Music in Toronto and is a recent recipient of the Eric Arthur Award, for Lifetime Achievement, from the Architectural Conservancy of Ontario (Ontario's oldest advocacy organisation). He has appeared on various media including CBC national radio and History Channel on the topic of conservation.

Christopher Borgal

B.Arch., OAA, FRAIC CAHP

He has also donated considerable time and resources to the field of building conservation.

- He has been involved with the Architectural Conservancy of Ontario, founded in the 1930's, since the late 1970's. He was President of the Huron County Branch in the early 1980's and, later, the provincial President in the early 2000's.

During those years, there were three provincial heritage conferences of small scale. Mr Borgal contacted the leaders of two other organisations, Community Heritage Ontario and the Canadian Association of Professional Heritage Consultants (later CAHP), with a view to consolidating their conferences in a manner that would attract more political attention to the cause of protecting heritage resources. This culminated in the first joint conference in Hamilton, Ontario, which attracted Lincoln Alexander as guest speaker as well as the provincial heritage minister and which has been a significant conference since that time. The ACO and its members have been a significant influence on heritage legislation in the Province in the intervening years and is an active and creative force for heritage in the province.

- For many years he has been a member of the Canadian Association of Heritage Professionals and is a past President of the organisation. While president, and using his considerable number of contacts across Canada, he raised the funds (and guaranteed them) to allow the Toronto-based organisation to participate as an equal partner in the National Heritage Trust conference. He also actively pursued and organised the relocation of the National Headquarters to Ottawa to make it a truly national organisation. He motivated Quebec members to establish a Quebec branch and set up the Ontario Association of Heritage Professionals branch which he organised to participate in the Provincial Heritage Conference. He is a past President of the Ontario branch which role he took on after his role as national president. He is currently active in the development of the new Atlantic Association of Heritage Professionals, a new chapter of CAHP.
- Mr. Borgal is a Fellow of the Royal Architectural Institute of Canada and was elected as a result of his heritage advocacy and philanthropy.

Although Mr Borgal has had a profound effect on the organisational nature of heritage conservation in Canada, he is also an avid sailor and has donated many volunteer hours to the sport.

- He is a past Commander of the Canadian Power and Sailing Squadrons Britannia Squadron (Ottawa) and was Community Safety and Reporting Officer to the Goderich Squadron while living near Lake Huron.
- He is past Vice Commodore of the historic Queen City Yacht Club (Toronto) which is one of Canada's ten oldest sailing clubs, and donated hundreds of hours to the club over a decade and a half.
- In the early 2000's, he donated his time and boat for over a 10 year period as navigator to assist Lake Ontario long distance cross-lake swimmers. A noted and successful Canadian swimmer, Colleen Shields (who crossed Lake Ontario 3 times in her career), described him in an international swim magazine as the "best navigator" with whom she had ever worked.
- In 2017 and 2018 he campaigned his 46 year old yacht to several wins in long distance races on Lake Ontario of up to 300 km - these were typically "short handed" races of up to 52 hours with only one, rather than four, crew. In the 2019 season, he placed 12th overall of the 1400 boats registered to race on the Lake and Ottawa area and won the Brian Chapman Award for his category placement in the Toronto West District of PHRF-Lo. For both years he also won the highest award from QCYC for inter-club racing.

Some Current and Recent Projects

A few current projects (as partner-in-charge and owner of GBCA Architects):

- Heritage Consultant/architect for recently completed renovations and additions to Massey Hall, Toronto (\$130m project, approximately \$20m restoration) as consultant to KPMB architects.
- Master plan and facilities improvements, Toronto Golf Club, Mississauga, ON (third oldest golf club in North America)

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- OLT and LPAT appearances and heritage restoration work for a variety of development projects in the City of Toronto including some of the largest tower sites in Canada integrating heritage and new construction
- Upgrading of the Rare Books Library, University of Toronto
- City of Mississauga Cultural Heritage Landscapes update as a consultant to Archaeological Services Inc. involving assessment of the urban design and evolution of the City. Similarly, a project was previously conducted to assess the Cultural Heritage Landscapes of Kitchener Ontario which project won a heritage award from the City of Kitchener
- Heritage Consultant including impact assessments for development of LCBO Headquarters property, Lakeshore Blvd, Toronto with Menkes Developments.
- Heritage inspection services and project control, restoration of the train sheds, Union Station, Toronto (with RJC engineering)
- Heritage restoration of recently completed MacKenzie Hall for the City of Windsor
- Heritage Component of the \$1.5 billion dollar MacDonald Block renovations, Queens Park, Toronto
- On-going work with the Pickering Museum to develop a library of condition review reports for the buildings on site including supplemental histories and recommended upkeep.

A Few Past Projects

A few past projects are provided below to indicate the geographic impact and scope of the work:

International Sites

- Specifications and consultation for the Capitolio (State Capital) Building, San Juan, Puerto Rico (with UMA Engineering)
- Heritage and condition assessment of the Pigeon Island Fortification Complex, St. Lucia (constructed between 1780 and 1820 – project sponsored by the Getty Institute) (with UMA Engineering)
- Consultation and project evaluation of projects for the Getty Institute for sites in Buffalo, N.Y. (Frank Lloyd Wright – designed Darwin Martin House) ; Los Angeles, Calif. (restoration of the Schindler House), and Glessner House Museum, Chicago, Ill (historic house conversion to museum)

National Sites:

- Project Conservation Architect for restoration of the South Façade, (Centre Block, Parliament Hill), and masonry repairs and studies for the Parliamentary Library, East Block, West Block and Vaux walls, Parliament Hill, Ottawa (on contract with the Heritage Conservation Directorate, PWGSC).
- Project Conservation Architect for preliminary masonry repairs and studies for the proposed Parliamentary Library restoration, Parliament Hill, Ottawa (with PWGSC-HCD).
- Project Conservation Architect for masonry repairs and studies for the East Block, Parliament Hill, Ottawa (with PWGSC-HCD).
- Project Conservation Architect for masonry repairs and studies for the West Block, Parliament Hill, Ottawa (with PWGSC-HCD).
- Project architect, asbestos mitigation, G Block, RCMP Headquarters, Ottawa (with PWGSC-HCD)
- Project Conservation Architect for masonry repairs and studies for the Vaux walls, Parliament Hill, Ottawa (with UMA Engineering)
- Consultant for roofing repairs over the Royal Suite, Rideau Hall, Ottawa, ON (with UMA Engineering)
- National Agriculture Museum (National Museum of Science and technology) – Master Plan 1999 and current revisions
- National Agriculture Museum, Ottawa - new barn facility, and studies related to hay storage, highest and best use of Building 94 and various repairs to building 88.

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- Consultant for building envelope upgrading of the National Aviation Museum, Ottawa
- Renovations and restoration of the Turkish Embassy, Ottawa (former 1914 Tudor revival hospital) (with Morrison Hershfield Ltd. engineers).
- Consultant for projects at the National gallery of Canada including window replacements, and interior renovations (with UMA Engineering)
- Quality control and document management for the restoration of plaster ceilings of the former Bank of Montreal building, Ottawa, as part of the relocation of the West Block committee room 400, Parliamentary Precinct (for Limen Masonry)
- Pro bono consultation on behalf of Heritage Canada for the Royal Cape Breton Yacht Club building (Sydney N.S.); the Sackville United Church building (Sackville, N.B.) and the remains of the core of Goderich Ontario subsequent to a tornado. Unfortunately, success was limited.
- Heritage consultant/architect, Edmonton Federal Building redevelopment, Alberta Legislative Precinct, Edmonton AB (with Kasian Architects).
- Heritage and Planning advisor, Master Plan for the Alberta Palisades Training Centre, Jasper Alberta (for Kasian Architects)
- Heritage Advisor, Master Plan for the Alberta Legislative Precinct (with Kasian Architecture and Sasaki Associates)
- Consultant to the Auditor General for Canada for a project audit of the \$125m Canadian Museum of Nature, Victoria Memorial Museum Building upgrade
- Heritage designer and architect for the redevelopment of the former U.S. Embassy Building, Ottawa, for the proposed National Portrait Gallery, Ottawa ON (with Teeple Architects)
- Heritage Advisor to the Long Term Vision and Plan project for the Parliamentary Precinct, Ottawa (with DTAH Architects)
- Risk assessment for the redevelopment of the West Block, Parliament Hill, Ottawa for the Long Term Planning Office, House of Commons
- Heritage Consultant and architect for the study team for master planning and upgrade of the British Columbia Legislature Complex, Victoria. B.C. (with Zeidler Architects)
- Heritage consulting/architect as a part of the team (P. Goldsmith as partner-in-charge) for the new National Ballet School, Toronto (phase one) and heritage input (as principal architects) for the redevelopment, restoration and adaptive re-use (as residences) of the original facility (phase 2). Total project value \$105m.

Ontario Sites:

- Condition surveys and evaluation of the Sir Harry Oaks Chateau, Inge-Va, Bethune Thompson House, and McMartin House for the Ontario Heritage Trust.
- Heritage consulting and architectural services for the \$40m redevelopment of the Guelph City Hall complex including the 1856 William Thomas designed City Hall (with M&T Architects)
- Restoration of the bronze animated Birks Clock, Hamilton, Ontario, for the City of Hamilton
- Heritage Consultant related to the partial collapse and fire of the Empress Hotel, 335 Yonge Street, Toronto
- Heritage Consultant, under the auspices of Heritage Canada Foundation, for the aftermath of the Goderich tornado disaster
- Design and Heritage Architectural Consultant for the restoration and upgrade of Assumption Roman Catholic Church, Windsor, ON (with studio g+g inc. architect)
- Architectural team leader for the assessment and restoration of heritage ceiling (lay) light; fire safety upgrades, and restoration of statuary at Queens Park (Legislative Building), Toronto
- Restoration of Fulford Place, Brockville, Ontario (in joint venture with Robertson Architects)
- Evaluation of over 20 potential heritage sites, City of Pickering

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- Heritage services for restoration of Parry Sound and Haileybury courthouses.

Toronto (GTA) Sites:

- Heritage Consultant, Canon (now Mirvish) Theatre, Toronto ON
- Heritage consultant for renovations to the Governor's House, Don Gaol, Toronto
- Heritage architects for restoration of the Flatiron Building, Toronto
- Heritage Consultant for restoration and reconstruction of two facades of the 12 storey National Building at the Bay-Adelaide Centre (attached to new 50 storey office tower), Toronto (with WZMH Architects)
- Heritage Consultant for restoration and reconstruction of two facades of the 17 storey 100 Adelaide Street West (attached to new 45 storey office tower), Toronto (with WZMH Architects)
- Restoration of Building 3 and 4, the Gooderham Cottages, at Sanofi Pasteur Laboratories, Toronto
- Heritage advisor for the redevelopment of Women's College Hospital, Toronto
- Condition review, the Arts and Letters Club, Toronto
- Condition review, several buildings and artefacts, the Guild Inn site, Toronto
- Restoration of cast iron light fixtures, Palmerston Ave., Toronto (for the City of Toronto).
- Preliminary study and repairs to the Princes' Gates, Toronto (with Dr. Martin Weaver)
- Restoration of the exterior façade, canopy, and various other projects at the Royal Alexandra Theatre, Toronto
- Heritage Consultant, Massey Hall, Toronto ON

Heritage Planning and Urban Design

- Some of the earliest Heritage Conservation District Plans in Ontario including Goderich, Seaforth, Exeter, Essex and others
- Central Whitby Heritage Conservation District Plan, Whitby, ON.
- Cultural Resource Survey, City of Mississauga (with The Landplan Collaborative)
- Cultural Heritage Resource Survey, City of Kitchener (with The Landplan Collaborative)
- Waterloo MacGregor/Albert Heritage Conservation District (lead consultant)
- Heritage Impact assessments for several hundred development sites which includes assessment of urban context and advice on integration of new development with the urban context of the developments.

Museum sites:

- Architects for the redevelopment of the Peel Heritage Complex, Brampton. Museum, art gallery and archives in 1850's jail and 1950's municipal complex.
- Heritage services for Camp 30 in Bowmanville (former WWII POW site).
- Systems upgrades, Montgomery's Inn museum, City of Toronto. Designed original additions in the 1980's.
- Heritage consultant for the restoration of the original Township hall as a part of the new Niagara Falls Museum
- Restoration projects for several buildings at Black Creek Pioneer Village, Toronto ON
- Restoration work at the Elam Martin farmstead, City of Waterloo
- Renovations and addition to the Bruce County Museum, Southampton
- Restoration and expansion of the Woodstock Museum. Woodstock ON.

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- Renovations and addition to the Huron County Museum, Southampton
- Renovations and addition to the Lambton County Museum, Southampton
- Study for the restoration of the Josiah Henson House (Uncle Tom's Cabin) for Lambton County
- Study for the restoration of the Griffen House, Ancaster (escaped slave's house) for Halton Region.
- Restoration of the Van Egmond House, Seaforth Ontario
- Repairs to Helliwell House, Todmorden Mills, Toronto
- Repairs to Colborne Lodge, High Park, Toronto

Transportation

- Evaluation of potential uses for Sudbury CPR station.
- Heritage Consultant for the Swift Current Railway station complex, Saskatchewan (with SEPA Architects)
- Heritage Consultant for changes to the SkyWalk for the Pearson Airport Rail Link, Metrolinx
- Heritage consultant and architect for security upgrades, Union Station, Toronto (for the City of Toronto)
- Building condition survey and repairs to small tower, Windsor Station, Montreal (with UMA Engineering)
- Restoration of exterior and interior, former North Toronto Station (LCBO facility)
- Heritage character statements and reviews of several railway stations in Macadam N.B., Stratford, North Bay and Woodstock, ON. (PWGSC- HCD)
- Building Audit and feasibility study for Flight Information Centres and control tower buildings at Halifax International Airport, Quebec City International Airport, London (ON) Airport, North Bay Airport, Winnipeg International Airport, Edmonton International Airport, Calgary International Airport, and Abbotsford Airport, B.C. (with Morrison Hershfield Ltd., Engineers)

Lighthouses:

- Consultation for the Burlington Canal Lighthouse, Hamilton, ON including a Business Plan for the lighthouse complex
- Consultant for lighthouse repairs and restoration at Bonavista Lighthouse, Newfoundland
- Condition review and use plan for lighthouse and keeper's cottage at Presqu'île Ont.,
- Heritage character statements for 5 Imperial Lighthouses, Lake Huron and Georgian Bay (with PWGSC - HCD).

Colleges and Universities:

- Heritage and building envelope upgrade consultation for the Fisher Rare Books Library, University of Toronto
- Various repairs including windows, ground features, porches, etc, at the Gatehouse, Beatty Building and Parkin Building, Upper Canada College, Toronto
- Restoration of the front portico, Pickering College, Newmarket, ON.
- Restoration work at Annesley Hall, Victoria College, University of Toronto
- Restoration of portions of the Reynolds Building, University of Guelph
- Analysis for repairs and implementation of restoration of exteriors of the Ontario Veterinary College, Creelman Hall, Mills Hall, MacDonald Hall and Johnston Hall at the University of Guelph

Christopher Borgal

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Hotels:

- Heritage study and building envelope review, Empress Hotel, Victoria, B.C. (with UMA Engineering)
- Review of restoration work at Chateau Frontenac, Quebec City (for Colliers International)
- Building Audit, Fairmont Hotel, Winnipeg (with UMA Engineering)
- Building Audit, Holiday Inn (now York the Hotel), Winnipeg (with UMA Engineering)

Churches:

- Restoration of fire-damaged and gutted All Saints Anglican Church, Whitby, Ontario
- Exterior restoration, St. Matthews Anglican Church, Ottawa
- Design of new octagonal chapel and additions and restoration work to St. Peter's Anglican Church (1853), Cobourg
- Steeple Restoration, and general restoration and upgrading, Keene United Church, Keene, Ontario
- Building Condition Survey and Assessment of interior decorative paint scheme, St. Brigid's Roman Catholic Church, Ottawa (with UMA Engineering)
- Restoration of ornate decorative paint scheme, George Street United Church, Peterborough, Ontario
- Building Condition Survey, All Saint's Anglican Church, Ottawa
- Restoration study of St. Paul's Presbyterian Church, Port Hope, Ontario
- Repairs and restoration to Annunciation Roman Catholic Church, Mount Royal, Quebec (with UMA Engineering)
- Masonry Restoration, Soeurs de la Charité Chapel, Sussex Dr., Ottawa, ON (with UMA Engineering)
- Heritage Assessment and Condition Report for Our Lady of the Rosary Church, for the City of Windsor

Commercial Sites

- Heritage Consultant for signage issues at 222 Bay Street and the overall Toronto Dominion Centre site for Cadillac Fairview Corporation, Toronto, ON.
- Heritage consultant for proposed 60 storey tower and conversion of 151 Front Street and 20 York Street (the Skywalk) for Allied Properties REIT, Toronto
- Renovations and on-going maintenance work for the former Toronto Post Office (later the HQ of Hollinger International) at 10 Toronto St., Toronto
- Many development sites in Toronto - heritage services

Expert Witness

Mr. Borgal has provided expert witness services and has been qualified for many hearings. He, together with GBCA, only take on this work where it is compatible with the ethics and philosophy of the firm. Cases have included OLT, LPAT and OMB hearings as well as mediations.

Past Practice:

While acting as principal of Christopher Borgal Architects in Southwestern Ontario (based in Goderich), Mr. Borgal was the responsible project architect for over 600 projects including over 30 museums and churches such as the renewal of copper domes and exterior masonry, St. Joseph's Roman Catholic Church, Chatham, ON and exterior masonry, St. Paul's Anglican Cathedral, London, ON. Many of these projects included heritage restoration as well as the redevelopment of museum sites including the Huron County Museum, the Lambton County Museum, the Oil Museum of Canada, the Simcoe County museum and many other sites of similar nature. In addition, Heritage Conservation Districts and Business Development District plans and designs for many municipalities in the area were

Christopher Borgal

B.Arch., OAA, FRAIC CAHP

completed. During this time, Mr. Borgal also assisted Temprano Architects in Ottawa for restoration planning for Stornoway, the home of the leader of Canada's opposition.

Advocacy

Over the years, Mr. Borgal has contributed his time to the protection of many heritage structures. These included:

- Churches in St. Joachim and Stoney Point, Ontario (saved)
- The Devereaux House In Georgetown, Ontario (saved)
- The Lister Block in Hamilton (saved).

He has volunteered his time for the creation of many reports on behalf of the Ontario Historical Society and the Architectural Conservancy of Ontario during the course of his career and continues to do so. He has also participated as both a member of, and board member of, several heritage organisations, notably the ACO, the Canadian Association of Heritage Professionals (former national president), and the Ontario Association of Heritage Professionals (past president) and put forward initiatives, which continue to bear results such as:

- the now well-established joint conference of the Architectural Conservancy, Community Heritage Ontario, and the Ontario Association of Heritage Professionals. Mr. Borgal, then the president of the ACO, initiated this joint conference in collaboration with Bob Saunders of the CHO with the first joint conference held in Hamilton.
- He was a significant fundraiser on behalf of the Canadian Association of Heritage Professionals for support for the Heritage Canada annual conferences in Quebec in 2008, Toronto in 2009, St. John's 2010, Victoria in 2011, and Montreal in 2012. In all, considerably more than \$100,000 was raised for this effort.
- He also raised support funds for the activities of the Architectural Conservancy of Ontario over several years.
- He has lectured extensively across North America.
- Because of his work advancing architecture in North America and advocacy for conservation, was elected as a Fellow of the Royal Architectural Institute of Canada in 2013.

Education

- B.Arch., University of Toronto, 1974
- Post-professional seminars and courses at West Dean College, UK; University of York, UK; and M.I.T. in Boston
- Seminars presented by the Danish Institute and National Research Council of Canada

Honours and Awards

Mr. Borgal's name is included on over 30 awards (either singly or in conjunction with allied partners and professionals) given locally, provincially, nationally and internationally over his career.

Some of these include:

As Goldsmith Borgal & Co. and GBCA architects

- 2022 - Architectural Conservancy of Ontario, Eric Arthur Lifetime Achievement Award in heritage conservation
- 2022 - City of Windsor Heritage Award for the restoration of Mackenzie Hall for the City of Windsor
- 2021 - Canadian Association of Heritage Professionals Awards, John Muir Branch of Windsor Public Library, with Studio g+G architecture
- 2021 - Canadian Association of Heritage Professionals Awards, the Silver Dollar Room, Toronto
- 2021 - Cabbagetown Preservation Association, Restoration Award for the Winchester Hotel, a special Peggy Kurtin Award for the Winchester Hotel, Parliament Street, Toronto
- 2019 - City of Windsor Heritage Award for the restoration of Willistead for the City of Windsor

Christopher Borgal

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- 2019 - City of Windsor Heritage Award for heritage consultation related to the newly created Sandwich Library (architect Studio g+G) from an early fire hall,
- 2016 - National Award, Canadian Association of Heritage Professionals, for City of Kitchener Cultural Heritage Landscapes as a consultant to Landplan.
- 2016 - National Award, Canadian Society of Landscape Architects, *City of Kitchener Cultural Heritage Landscapes report*, as consultant to Landplan, of Guelph Ontario.
- 2015 - Award of Excellence, Toronto Urban Design Awards, *Market Street Development* with Taylor Smyth Architects
- 2015 - Honourable mention, Heritage Toronto Awards for *Artscape Youngplace*, with Teeple Architects Inc.
- 2013 – Three awards for Urban Design, Central Area Award, and Peoples' Choice Award, City of Brampton, for the *Peel Archives Museum and Art Gallery (PAMA)*, Brampton, Ontario.
- 2012 – Project Conservation Architect as part of the team, KPMB Architects, for the Governor General's Award, *The Royal Conservatory of Music*, Toronto (with KPMB architects and with partner P. Goldsmith)
- 2012 – Heritage Toronto Award for the *James Cooper Mansion*, Toronto
- 2011 – Three awards for various projects from the Canadian Association of Heritage Professionals
- 2011 – Three awards for three projects from the Toronto Historical Society
- 2011 – The Peter Stokes Award for Restoration, the Architectural Conservancy of Ontario
- 2010 – Ontario Association of Architects Award of Excellence for *Phase II, National Ballet School of Canada (in joint venture with KPMB architects and with partner P. Goldsmith)*
- 2009 – Award of Merit from the Canadian Association of Heritage Professionals, *National Ballet School Maitland Avenue Residences*, (with partner P. Goldsmith)
- 2008 – Governor General's Award, *National Ballet School of Canada* (in joint venture with KPMB architects and with partner P. Goldsmith)
- 2008 - Royal Architectural Institute of Canada Urban Design Award, *National Ballet School of Canada* (in joint venture with KPMB architects and with partner P. Goldsmith)
- 2008 - American Institute of Architects Award of Excellence, *the National Ballet School of Canada* – only the 3rd award given by the AIA to a Canadian project to that time since the founding of the awards in the 1940's (in joint venture with KPMB architects and with partner P. Goldsmith)
- 2008 - Urban Land Institute Global Awards, one of only 5 awards given internationally (2 in North America in 2008) for the *National Ballet School of Canada* (in joint venture with KPMB architects and with partner P. Goldsmith)
- 2008 - Ottawa Heritage Awards as the conservation architect for the restoration of *St. Matthews Anglican Church*, the Glebe, Ottawa.
- 2007 – Ontario Professional Planners Institute, Award of Excellence for the *Parliamentary and Judicial Precincts Area: Site Capacity and Long-Term Development Plan*, Ottawa (GBCA was the heritage consultant on this project which was led by the firm of DuToit Allsop Hillier)
- 2007 – Toronto Urban Design Awards, Award of Excellence, *National Ballet School of Canada* (in joint venture with KPMB architects and with partner P. Goldsmith)
- 2007 – Nomination, Toronto Heritage Awards, *Palais Royale* renovation, Toronto
- 2006 – Toronto Heritage Awards, *National Ballet School* redevelopment (in joint venture with KPMB architects and with partner P. Goldsmith)
- 2005 – Toronto Heritage Awards, *The Jolly Miller Tavern*, Award of Merit
- 2004 – Toronto Heritage Awards, *The North Toronto Station LCBO* store (project has won over 15 local and national awards since its construction)

Christopher Borgal

B.Arch., OAA, FRAIC CAHP

As Christopher Borgal Architect:

- 1992 Innovative Design Award, First Prize, London and District Construction Association – The Blyth Festival Renovations and Expansions, 1978-1990
- 1991 Innovative Design Award of Merit, London and District Construction Association – The Huron County Museum
- 1986 Ontario Renews Award, Finalist for restoration of The Blake House, Goderich
- 1986 Ontario Renews Award, Ontario Ministry of Housing – Restoration of 2 The Square, Goderich

Affiliations

- Canadian Standards Association (CSA) – Member of technical committee for a new national standard for Blast Resistance in Buildings – 2008-2010
- National Research Council of Canada – Member of technical standing committee on mortars for heritage buildings – 1997 to 2011

Memberships

- Royal Architectural Institute of Canada, since 1977
 - Fellow of the Institute, 2013.
- Ontario Association of Architects, since 1977
 - Chair of the Professional Development Committee from 1983-1985
- Architectural Conservancy of Ontario since 1977.
 - President of Huron County Branch, c1990
 - Provincial President of the ACO from 2001 to 2003
 - Board member, 2013 - 2015
- Canadian Institute of Planners (provisional), 1978-1989
- Construction Specifications Canada, since 1978
- National Trust for Canada (Previously Heritage Canada Foundation), since 1981
- Canadian Association of Heritage Professionals (formerly the Canadian Association of Professional Heritage Consultants) since 1992
 - Board member 1990-91
 - Board member and chair of the membership committee 2006-2007
 - National President 2007 - 2008
 - President of Ontario Chapter (OAHP) 2011-2014
 - Secretary of Atlantic Chapter - 2022 -
- Redevelopment Board Member, Royal Canadian Regiment Museum, London, ON, 2006-2007
- Member Architectural Conservation Program advisory committee, Ryerson University, 2007
- Lifetime trustee, Battle of the Atlantic Memorial, Halifax
- Vice Commodore, Queen City Yacht Club - 2018-2019

Business Affiliations

1977 – 1983 – Partner - Hill and Borgal Architects and Planners, Goderich ON

1983 - 2001 – Christopher Borgal Architect Inc. Goderich ON

1983 – 1985 – Co-founder and partner - Canadian Cultural Resource Consultants Inc. Goderich ON

1993-1997 – Senior Conservation Architect, Public Works and Government Services Canada, Heritage Conservation Programme (now Directorate) (term contract), Ottawa ON

1997 – 1999 – Senior Project Manager, **uma** Engineering Ltd., Ottawa ON

1999 – 2000 – Senior Building Science and Conservation Specialist, Morrison Hershfield Ltd., Ottawa ON

2001 – 2008 – Partner, Goldsmith Borgal & Co. Ltd. Architects, Toronto ON

2008 to present – Sole proprietor, GBCA (Goldsmith Borgal & Co. Ltd. Architects), Toronto ON

Lectures, Papers and Media

Mr. Borgal has lectured or appeared at locations across North America. Some include:

- Appearance on Rogers Cable TV “Structures” related to the Toronto Work House, 2015.
- Training session, annual Royal Architectural Institute of Canada conference, St. John’s, 2012
- Lecture at the annual Royal Architectural Institute of Canada conference, Saskatoon, 2010
- Co-host and technical advisor on History Television series entitled “Saving Places” aired nationally in three one hour episodes in June of 2010
- Appearance on Rogers Cable TV “Structures” related to the development of Strachan Avenue, in Toronto.
- Lectures at:
 - Queen’s University art conservation program
 - Waterloo University School of Architecture
 - Carleton University School of Architecture
 - University of Toronto Department of Architecture
 - Windsor University School of Architecture
 - Ryerson University various departments
 - and several community colleges
- Series of lectures on Building Envelopes in Heritage Buildings co-wrote and presented jointly with Morrison Hershfield staff and delivered in Tampa, Fla., Halifax, Ottawa, Calgary, Edmonton, and Vancouver, 2001
- Lectures to annual meetings of various organisations including Association for Preservation Technology, ICOMOS, Canadian Museums Association, and Ontario Museum Association in locations including Nashville, Washington, Ottawa, Toronto, Halifax and Quebec City.
- Papers in various journals including the Ontario Museum Association Quarterly, Association for Preservation Technology International Bulletin, and the Ontario Association of Architects Perspectives

This is Exhibit "B-1"
referred to in the Affidavit of Christopher Borgal,
affirmed February 6th, 2023,
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely



Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury



362
DAVENPORT ROAD
SUITE 100
TORONTO, ONTARIO
M5R 1K6

6 February, 2023

Attention: To Whom it May Concern

RE: Law Society v Metrolinx

To whom it may concern:

Background and Qualifications

The undersigned has been asked on an urgent basis to provide a consultant opinion to the Law Society of Ontario with respect to the intention of Metrolinx, a Crown agency, to install access to the new Ontario Line subway in a proposed entrance pavilion at the southwest corner of the lands fronting Osgoode Hall. The site is located at the northeast corner of University Avenue and Queen Street in the City of Toronto. The area on which the station pavilion is to be placed has been expropriated for the purpose. Among other things, the proposed entrance will block the view of Osgoode Hall from the corner of University Avenue and Queen Street, see the removal of several mature trees of various species, reconfigure the cast-iron fence enclosure which, in itself, is an important heritage artefact in the city, and introduce a design element to the original grounds that is at odds with the aesthetics of the original building and site.

Qualifications for the author of this opinion have been accepted at sittings of the former OMB, LPAT and current Ontario Lands Tribunal. The undersigned is a prominent heritage architect; has been the recipient of many awards related to heritage work; and has provided services for the conservation, restoration, adaptive re-use and planning for many significant buildings across Canada including a considerable number of projects on Parliament Hill in Ottawa, provincial legislature buildings in Toronto, Edmonton, and Victoria B.C., and, in Toronto, the National Ballet School, the Royal Conservatory of Music, and Massey Hall. A Curriculum Vitae is appended to this letter for further information.

Legislative Framework

While it appears that the Province of Ontario, by Ministerial Order, has opted out of the requirements of the Provincial Policy Statement, in my opinion it is very useful to review the implications of the Statement in reference to the subject site to underline the damage that unconsidered disruption may cause to one of the most important heritage sites in Canada, and certainly in the Province of Ontario. In other words, the discussion of the Provincial Policy Statement below is meant to provide context and explain how heritage issues should be viewed. It must also be noted that the direction flowing from the cited clauses of the PPS are not the direction of the author of this report – the clauses are the words of the Province itself.

The Ontario provincial government provides a planning framework which municipal governments must apply or implement as a part of planning applications. This document, the Provincial Policy Statement (PPS), is issued under Section 3 of the Planning Act (current version May 2020) and sets the framework for the evolution of the province including environmental, planning, and land use requirements. The PPS is the framework, along with local policies

implemented as a requirement of the Planning Act, under which planning applications can be appealed to Ontario Lands Tribunal, an appeals process that is conducted under judicial rules and which references the PPS, among other planning instruments, in making decisions.

A significant part of the PPS deals with matters relating to the conservation of heritage, particularly cultural heritage sites and individual buildings. The Policy Statement is augmented by references to the Ontario Heritage Act which is also augmented by O. Reg. 09/06 which provides a means of evaluating sites of significance. The PPS states:

“Part 1 - Preamble

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. . . .”

While there are references to the requirement for all components of the PPS to be read together to establish a balanced approach to planning and development, it is clear that an emphasis is placed on matters related to heritage sites [underlines by the author of this letter]. These include:

“Part IV - Vision for Ontario’s Land Use Planning System

. . . The Province’s natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. . .

“Part 1.7 - Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;”

Chapter 2.0 - Wise Use and Management of Resources

Ontario’s long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Clearly, the Province is directing planning agencies to protect significant cultural heritage landscapes. This statement is inclusive of buildings and associated surrounding lands. A cultural heritage landscape is defined in the PPS as:

“Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.”

Noted by all levels of government, the site is clearly a very significant cultural resource. Its grounds have been essentially undisturbed over the 200 years of its history which means that archeologically there is likely undisturbed material below the surface.

The site is a small cultural heritage landscape which incorporates the perimeter fence, the grounds with mature trees and plantings, and the building, of various periods dating as far back as 1832. The building constitutes a built heritage resource which, under the PPS is defined as:

“Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.”

The building clearly meets the criteria and was subject to a Designation By-law under the Ontario Heritage Act in 1990 (City of Toronto By-Law 477/90). A copy of this by-law is included as an appendix to this current opinion letter. Schedule B of the by-law lists the attributes of the structure which are deemed important to conserve including interiors and those involved with the development of the site. In the Provincial Policy Statement, heritage attributes are defined as follows:

“Heritage attributes: means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).”

The heritage attributes of the site are listed in the designation by-law with the following description included, among others:

“... The Law Society grounds consist of the land south of the principal facade to Queen Street and west to University Avenue. This area, with cobblestone driveway and landscaped lawns, was laid out by John G. Howard, architect and City Engineer, in 1843. It is partly enclosed by an ornate cast iron fence with six baffles, attributed to William Storm, cast by the St. Lawrence Foundry of Toronto, installed in 1866, and extended by a brick fence.

The East Wing of Osgoode Hall with its extensions and landscaped grounds are an outstanding record of the continuing evolution of architectural styles in Canada from the early 19th century to present day, and are examples of the work of several of the most important architects in Toronto during this period. The site is an historical landmark in the development of the legal profession in Canada.”

Clearly, based on the reasons for Designation, the attributes of the site include the landscaped portion of the site facing Queen Street and they have been considered as a whole rather than simply a grouping of parts. Removal of one end of the front yard, in this case by expropriation, diminishes the overall composition and integrity of the site as an historical complex. Such an act undermines the overall heritage qualities of the site. Insertion of an incompatible pavilion at the southwest corner of the site will have a profoundly adverse heritage impact on the perception of the site as a whole. It will interfere with historical views to and from the site which have been in place for almost 200 years, and degrade the symbolic presence of the site within the City. It is therefore vitally important that cultural heritage values and their preservation be included as a part of the design parameters for the location and appearance of such an intrusion on a significant heritage property,

It must also be noted that the site is not simply a local monument of importance as it was also designated as a National Historic Site of Canada by the Federal Government in 1979.

The PPS speaks to the conserving of significant heritage sites. There can be no doubt that this site is of the utmost significance and should justify considerable care in proposals to modify the areas around it. However, an argument has been made that, as part of the site has been acquired by the Province for the pursuit of a transit station, and as the designated property is owned and administered by a variety of interests, that the province then has a free hand in doing what it wishes with respect to modifications on the portion of the site that it now controls.

It must be made clear that a Designation under the Ontario Heritage Act applies to the property rather than to individual components of a property. Heritage issues cannot be understood in a piecemeal way. It is rare that in a historic and important site such as Osgoode Hall, there are three legal owners of the various parcels of land. But the heritage considerations of this site cannot be divided in a formalistic way, where the three owners may wish to pursue whatever they want for their own properties to the exclusion of a consideration of the impact it may have on those adjacent. Indeed what one owner does affects the overall heritage attributes of the site. Either the site's heritage attributes survives as a whole or it is tarnished based on what an individual owner does.

This issue is also captured in the directions found in the PPS. In particular, the whole site, including the landscaped area and all buildings, are designated as a heritage site, regardless of ownership. Even if the contention that the expropriated portion of the lands is a separate property, the PPS is clear that any development on such adjacent property must be evaluated to ensure that the heritage attributes of adjacent lands (in this case the un-expropriated lands and attributes) are conserved. Definition of adjacent lands in the PPS is:

“Adjacent Lands: means

d) for the purposes of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.”

Clearly, the site for the proposed transit station is contiguous with the designated lands, regardless of whether the expropriated area should also be considered designated. Conserve in the PPS is defined as:

“Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

Based on materials supplied by Metrolinx, it is my opinion that the identification, protection and management of the built heritage resources, cultural heritage landscape, and archaeological resources of this site have not been properly achieved. I have not seen an appropriate Conservation Plan for the site or an archaeological assessment. Nor is it my opinion that the Heritage Impact Assessment meets requirements for a site of this importance. Regardless, it is my understanding that as the Province has opted out of the provisions of the PPS and other legislation related to the heritage of the site, it becomes “the relevant planning authority and decision-maker”. Thus, mitigation measures and alternative development approaches have not been pursued in a fulsome manner with the result that the proposed siting and design of the transit access will not properly conserve the significant heritage attribute represented by Osgoode Hall and its cultural landscape.

Therefore, despite a theoretical level of protection for this site, under a Designation process described in the Ontario Heritage Act (R.S.O. 1990), this property is not protected as described in the PPS which states:

*“**Protected heritage property:** means property designated under Parts IV, V or VI of the Ontario Heritage Act (R.S.O. 1990 as amended); property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.”*

Such a property in the PPS is deemed to be significant and, as noted earlier, should be protected and managed in a manner appropriate to its significance. Indeed, for the Osgoode Hall site, such a process should be done in a manner of the utmost significance. Significance, in the PPS, is defined as:

*“**Significant:** means
e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.”*

By opting out of the provisions of the Provincial Policy Statement and Ontario Heritage Act in relation to the Metrolinx proposal to place a transit pavilion on the corner of one of, if not the most, significant site in Ontario, the province has decided to place engineering and budget principles above cultural ones, in my opinion. However, based on the wording of the PPS itself, these matters should be considered with equal weight as a matter of appropriate city building. In other words, one of the engineering design parameters, one which cannot be calculated with numbers (but that has immense cultural value), must be the weight of heritage and cultural importance represented by the Osgoode property. Such an inclusion of heritage value should be used to direct the conclusions of engineering works to achieve an appropriate balance between engineering and cultural requirements.

An independent report has been issued by Parsons Corporation dated 1 February 2023. The comments in the report appear to support the decisions by Metrolinx for the placement of the station. However, in reviewing the report it appears that the conclusions have been based primarily on engineering issues - the opinions have been provided in silos - each discipline has reviewed what is the best location based on engineering issues without the inclusion of weighting from a cultural heritage standpoint. While there is a component which discusses heritage in the report, Parsons did not go far enough. They did not put adequate weight on the heritage issues and reconcile them with the engineering needs. It is clear in the heritage discussion of the report that the analysis of heritage issues by Metrolinx is deficient and requires considerably more attention. It does not appear to me that enough significance has been

placed on the importance of heritage to direct the discussion in terms of where and what the best option would be for the station. Cultural determinations must be incorporated into engineering decisions with appropriate weight, and included as a significant design parameter, to direct decisions in a manner that reconciles reasonable engineering requirements with cultural needs.

In Conclusion

There is no question, in my opinion, that the proposed use for the expropriated land will have a significant adverse heritage impact on the attributes located on the un-expropriated land. This is, in fact, confirmed in the Parsons Report. In my opinion, the entire site comprising Osgoode Hall, the landscaped areas, and the iron fence, are of a piece in their heritage importance. Slicing a corner from the site and placing an inappropriate transit pavilion there is, in my opinion, tantamount to drawing a cartoon in the corner of a painting done by a great master such as Turner or Constable.

Osgoode Hall is more than an old building, or a green park in the centre of the City (both of which are important). Because of its historical associations and untouched landscape over a considerable length of time, it is a symbol of the early settlement of Toronto; a remaining untouched tract of land in the City trod by our aboriginal forebears; a homage to the quality of aspirations of society for the rule of law in Ontario; and of the equitable application of those laws today. From the latter standpoint alone, it should be held to be sacred in the civil realm and owed due consideration for its importance as a landmark. Putting aside the significance of a site such as this in the interests of an engineering task, with budget and speed of execution the governing approaches, is not a “civilized” process. The words city and civilization come from the same Latin roots of course - in other major cities where undergrounds have been installed within heritage areas or among heritage sites, great care is typically taken to ensure that the engineering issues are met while also meeting the requirements of conserving important cultural context. In my opinion, Ontario risks Toronto failing in its aspirations to become a great city if the current process is allowed to proceed without significant weight and attention placed on heritage issues, particularly regarding Osgoode Hall. It appears to me that realistic options have been provided to reduce the impacts of these decisions without due consideration or adequate consultation – this too is considered in the heritage portion of the Parsons Report. It is my opinion, as an architect, that a considerable amount of additional design work must be completed that, although a compromise, will better meet the objectives of all parties to this issue. While may change the timeline for this local portion of the transit line’s completion and potentially cost more, the additional cost would be an investment in one of the most important cultural assets in Ontario.

In addition, the lack of adequate consideration for the importance of this heritage site will cause, in my opinion, permanent damage to one of the most historic site in Canada that has been a symbol of justice in Ontario for almost 200 years.

Sincerely,
Goldsmith Borgal & Company Ltd. Architects

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Christopher Borgal OAA FRAIC CAHP
President

This is Exhibit "B-2"
referred to in the Affidavit of Christopher Borgal,
affirmed February 6th, 2023,
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely

Mannu Chowdhury

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

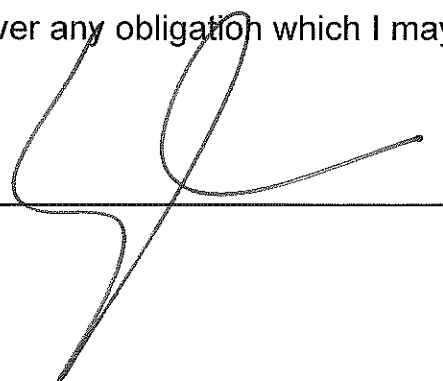
FORM 53

Courts of Justice Act

ACKNOWLEDGMENT OF EXPERT'S DUTY

LSO vs Metrolinx

1. My name is Christopher Peter Borgal. I live at Toronto, in the Province of Ontario.
2. I have been engaged by or on behalf of the Law Society of Ontario to provide evidence in relation to the above-noted court proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - (a) to provide opinion evidence that is fair, objective and non-partisan;
 - (b) to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - (c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date 6 FEBRUARY 2023 Signature 

NOTE: This form must be attached to any expert report under subrules 53.03(1) or (2) and any opinion evidence provided by an expert witness on a motion or application.

Court File No. CV-23-00694198-0000

LAW SOCIETY OF ONTARIO
Applicant

-and- **METROLINX**
Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

AFFIDAVIT OF CHRISTOPHER BORGAL

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Lawyers for the Applicant

Court File No. CV-23-00694198-0000

LAW SOCIETY OF ONTARIO
Applicant

-and- **METROLINX**
Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

APPLICATION RECORD
VOLUME 1 OF 2

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