Court File No. CV-23-00694198-0000

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

LAW SOCIETY OF ONTARIO

Applicant

and

METROLINX

Respondent

APPLICATION RECORD

VOLUME 2 OF 2

February 7, 2023

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Court File No. CV-23-00694198-0000

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

LAW SOCIETY OF ONTARIO

Applicant

and

METROLINX

Respondent

AFFIDAVIT OF DIANA MILES

(Affirmed on February 7, 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.
- 2. I reviewed the Affidavit of Michael Hodge (sworn February 4, 2023) and the exhibits attached (the "Hodge Affidavit"). I provide the following responses and clarifications in relation to Mr. Hodge's evidence.

Metrolinx's pattern of opaqueness and leading on the LSO

3. At paragraphs 13 and 14 of the Hodge Affidavit, Mr. Hodge affirms that construction for the Ontario Line project commenced after "completing a diligence and

consultation process...[since] 2018." However, I fail to see how Mr. Hodge can make this assertion when Metrolinx has consistently not provided the LSO with the clear and complete information it requires to make decisions respecting the impacts of its proposal. When Metrolinx has shared the limited information that it has, it has done so at the last minute and without any meaningful discussion.

- 4. Most importantly, as I describe below, up until February 1, 2023, throughout its consultation process Metrolinx consistently lulled the LSO and other community stakeholders into believing that it wanted to work collaboratively with us and that it was not dug in one site or another for the proposed station. Contrary to the implications of the Hodge Affidavit, Metrolinx consciously adopted a strategy of leaving false impressions until it unilaterally declared on February 1, 2023 that there will be no further consultation or collaboration.
- 5. I set out below the key events that took place with respect to Metrolinx's effort to obtain Consent from the Minister of Tourism, Sport, Heritage and Culture Industries (the "Minister") and Metrolinx's expropriation process:
 - (a) In or around July 2020, the LSO contacted Metrolinx concerning the Ontario Line project after the LSO's curator, Elise Burnet, heard about the proposal and surmised that there may be impacts of which the LSO should be aware. Importantly, it was the LSO not Metrolinx that first reached out to the other to discuss the potential impacts of proceeding with the Osgoode Hall site. The LSO met with Metrolinx on August 11, 2020. At this meeting, there was no indication that Metrolinx had any plan to expropriate a portion of the

Osgoode Hall site. On the contrary, Metrolinx indicated that it was conducting an Environmental Impact Assessment and wanted some information from the Law Society, namely, who owned what portions of the Osgoode Hall site. After this meeting, Metrolinx did not engage the LSO in any other meaningful discussions until early 2021;

- (b) On or about February 12, 2021, Metrolinx made a presentation to the LSO and its plans to use the Osgoode Hall site for the headhouse and constructing the Ontario Line. I attach as **Exhibit "A"** a copy of Metrolinx's February 12, 2021 slide deck. This meeting was important for several reasons:
 - (i) This was the first time that the LSO heard about Metrolinx's plan to use the Osgoode Hall site for the Ontario Line project, including building a headhouse on the southwest corner of the property;
 - (ii) Metrolinx noted that it had met with the TTC and the City of Toronto on the issue. The LSO was not privy to these discussions;
 - (iii) Metrolinx implied at the meeting that obtaining Consent from the Minister was a foregone conclusion. In its presentation materials (see Exhibit "A"), Metrolinx wrote "Metrolinx is working closely with the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) to obtain Minister's Consent for impacts at Osgoode Hall";

- (iv) At no point during this meeting did Metrolinx expressly say that it was in the process of applying for Ministerial Consent or invite the LSO to express its position to the Minister;
- (v) Metrolinx stressed that constructing on the Osgoode Hall site was not final and was based on "early studies". It was open to finding alternative solutions and engaging with stakeholders, including the LSO;
- (c) As the Hodge Affidavit establishes, Metrolinx applied to obtain the Minister's Consent on February 19, 2021 (see Exhibit "D" of the Hodge Affidavit) and the Minister granted her Consent on March 18, 2021. Metrolinx did not provide the LSO with a copy of its application or supporting materials, nor a copy of the Consent once obtained. Much later, on June 30, 2021, Metrolinx provided the LSO with its summary of the Consent (dated June 24, 2021). I have attached Metrolinx's memo summarizing the Consent and the presentation deck from the June 23, 2021 meeting as **Exhibits "B"** and "C" respectively;
- (d) On March 31, 2021, the Treasurer of the LSO wrote to Mayor John Tory (a copy of which I attach as Exhibit "D") and identified the following concerns:
 - (i) "It was with significant concern and considerable surprise that on February 12, Law Society staff learned that Metrolinx proposes to place the main entrance to the Osgoode Station of the new Ontario Line on the southwest corner of the Osgoode Hall property";

- (ii) "It is not clear from Metrolinx's presentation, and despite subsequent requests for more information, that options other than the Osgoode Hall grounds have been thoroughly investigated. Without thorough consideration, the Law Society property seemingly offers Metrolinx the easiest solution, in effect a blank page preserved with care for centuries in the heart of Downtown";
- (iii) The LSO stressed that it was committed to working on finding a solution by working with both Metrolinx and government partners;
- (e) On or about April 6, 2021, the LSO had another meeting with Metrolinx. I attach as **Exhibit** "E" the presentation slides from that meeting. At this meeting, Metrolinx declared that it had obtained the Minister's Consent to build on the Osgoode Hall site. I was very surprised to learn this as I did not think the Minister would proceed with such a step without first hearing from the owners of the Osgoode Hall site. At this meeting, Metrolinx also provided some further details about the proposed project and the purported flaws with the alternative locations. Again, at this meeting, Metrolinx did not say that the Osgoode Hall site was the only available location nor that it was fully settled on using this location for the Ontario Line;
- (f) On April 9, 2021, the Treasurer of the LSO wrote to the Minister. I attach this letter as **Exhibit "F**" to my affidavit. In the letter, the Treasurer stressed as follows:

- (i) "The Law Society of Ontario has recently been advised by Metrolinx of their application and receipt of a Minister's Consent to facilitate the construction of a new Osgoode Station for the planned Ontario Line that would significantly impact on designated heritage property. I am writing to express the Law Society's grave concern about the process to date and the project plan itself."
- (ii) "Respectfully, we have three requests: First, that you convene a meeting as quickly as possible with the appropriate Provincial officials to establish agreement on a collaborative and consultative approach to manage this issue going forward; second, that you kindly provide to the Law Society the terms and conditions upon which you provided Minister's Consent, and; finally, that you reconsider the conditional Minister's Consent you have issued, pending further due diligence, detailed investigation and peer review of all alternative sites";
- (iii) "Representatives from the Law Society and the Courts were first advised of Metrolinx's plans at an informational meeting on February 12. Following this meeting, both the Law Society and the Chief Justices of the Courts registered significant concerns about the impacts of this proposal, which would alter and compromise the integrity of the character-defining elements of Osgoode Hall's heritage designation";

- (iv) "It was surprising to learn at the second meeting on April 6 that Metrolinx has proceeded with the application for Consent without including our strong objections or permitting us to make our own and direct submission;" and,
- Again the LSO stressed in its letter that it was committed to finding a solution through collaborative means.
- (g) On August 9, 2021, Metrolinx had a meeting with the LSO in which the LSO presented various options for the proposed site of the Ontario Line Osgoode subway station. I have attached a copy of the LSO's slide deck as Exhibit "G";
- (h) In or around November 2021, the LSO learned for the first time that Metrolinx was formally proceeding with expropriation. In a letter dated November 9, 2021 (which I attach as **Exhibit "H"**) Metrolinx responded to the LSO's proposals for alternative sites made during the August 2021 meeting. Metrolinx indicated that the Osgoode Hall site continues to be the "best solution." However, the letter does not say that this is Metrolinx's final conclusion and that it is not open to considering any other sites. On the contrary, Metrolinx indicates that it is open to further consideration, including saying "while we know you were hoping to find an alternate option, we are committed to continuing our exploration through the design phase to minimize impacts to Osgoode Hall and its grounds". Importantly, Metrolinx also does not present expropriation as its ultimate plan. Rather, it says

"[d]ue to the timelines for the project, we will likely initiate the expropriation process as a backstop to protect the project schedule in parallel with our negotiations. Please know that we are committed to continuing acquisition negotiations and will continue to share information with you throughout the process." I understood this letter to mean that Metrolinx was still not 100% settled on what it would do – although it preferred the Osgoode Hall site – and that expropriation was a precautionary step while it engaged in genuine consultation and negotiation with the LSO. I also note in its response to the Campbell House site as an option, there is also no mention in the letter of use of the Osgoode Hall site for keyhole excavation;

- (i) On November 26, 2021, Metrolinx served its Notice of Application for Approval of Expropriation, followed by its Expropriation Information Sheet on December 13, 2021. I attach copies of these documents as **Exhibits "I"** and "**J**";
- Metrolinx's opaque approach to the Consent. We wanted our voice to be heard as part of this process, an opportunity the LSO had been denied with respect to the Consent, and to be part of the collaborative solution that Metrolinx had repeatedly said it was committed to pursuing. As a result, on January 6, 2022, the LSO wrote to the Minister of Transportation, the Minister responsible for the expropriation process (attached as **Exhibit "K"** of my affidavit). In its submissions, it noted the existence of alternative sites and concerns about Metrolinx's due diligence. Assistant Deputy Minister

Fung responded to the LSO letter on April 25, 2022, which I attach as **Exhibit "L"**; and,

- (k) Metrolinx continued with the expropriation process including serving the Notice of Election, Notice of Possession, Certificate of Approval and Expropriation Plan on August 26, 2022 (attached as **Exhibit "M"** of my affidavit). This was following the meeting on August 9, 2022, which I describe in my first affidavit, at which the City of Toronto proposed a third-party review of possible sites for the station and Metrolinx agreed to await the outcome of that report and to consider its conclusions.
- 6. Community stakeholders, such as the LSO, were frustrated with the lack of transparency throughout this process. However, Metrolinx consistently told the LSO and other community groups that it was not dug in, that it would consider other sites, that, in its own words, it wanted the "best outcome". At the August 9, 2022 meeting, Metrolinx confirmed that there was still time to "influence" the site location and that it would await the outcome of the Parson's report. We took them at their word.
- 7. That is why the meeting on February 1, 2023 that I describe in my first affidavit was so surprising: it was the first time that Metrolinx definitely said it would be proceeding with the Osgoode Hall site. Until that meeting, and based on our discussions with Metrolinx, we thought the best avenue to affect the outcome was through collaboration and discussion, and that Metrolinx would take the Parsons report seriously. However, I now know, since affirming my first affidavit, that Metrolinx did not even have a copy of the report prepared by Parsons when it made its decision to proceed at the Osgoode Hall site

as planned. Despite that Report's findings, which even as summarized in a slide deck present real concerns about Metrolinx's proposal, Metrolinx informed everyone at the meeting that it would be proceeding expeditiously with construction, and work began the next day.

8. When the LSO commenced these proceedings, we did not know Metrolinx's schedule for the handover. I learned by attending the hearing on February 4, 2023 for the first time that Metrolinx asserts that the work must begin to allow a handover of the Osgoode Hall property on May 1, 2023 to the constructor (though I still have no independent way to verify this assertion).

Metrolinx's lack of clarity and candor on tree removal

- 9. This application is not limited to the issue of tree removal; it concerns the impacts to the heritage attributes of a unique historical site. However, Metrolinx's approach to the tree removal issue is illustrative of their approach more broadly.
- 10. With respect to the Campbell House site:
 - (i) The earlier and current versions of the renderings for the potential use of the Campbell House site do not reference that tree removal will take place on the Osgoode Hall site if Metrolinx selected the Campbell House location: see exhibits "E", "C", and "L". We were completely left in the dark about any plan to remove trees from the Osgood Hall site if the Campbell House site was selected; For example, during Metrolinx's April 6, 2021, June 23, 2021 and

January 25, 2022 meetings with the LSO, Metrolinx presented slide decks. In all the renderings of the Campbell House option that were presented to the LSO in these slide decks, the text refers to the Campbell House site as insufficient for both the keyhole construction and laydown area. There is no reference in the text, nor do I have any recollection of Metrolinx ever saying, that they would be using the Osgoode Hall property for anything other than for laydown on the west lawn. The LSO first learned that the Osgoode Hall site would still be used for keyhole excavation if the Campbell House option was pursued in the Parsons slides presented on February 1, 2023;

- (ii) On or about August 23, 2022, Metrolinx made a presentation to Campbell House. No one from the LSO attended this meeting. I received these slides from Liz Driver on or about February 4, 2023. I was very surprised to find different information in these slides than those presented to the LSO. In these slides, Metrolinx advised that there would be some sort of entry that would have to be constructed at the Osgoode Hall site even if the Campbell House location was selected. One of the slides opaquely says: "Osgoode Hall grounds still required for circulation to Ontario Line concourse. I attach as **Exhibit "N"** the August 2022 renderings. These renderings did not include trees or "top of land" activity.
- (iii) Even if constructing the headhouse on the Campbell House location means that trees would need to be removed from the Campbell

House site, I am advised by Liz Driver, Director of the Campbell House Foundation, that many of these are significantly younger and do not carry the same heritage considerations or protections.

There is no reason to believe Campbell House would need to be demolished

11. One of the main reasons that Metrolinx provides for not choosing the Campbell House site for construction of the keyhole and headhouse is that Campbell House would have to be "demolished" (Exhibit "S" to the Hodge Affidavit, a presentation deck dated April 6, 2021). There is no reason to believe that Campbell House would need to be demolished. Campbell House is not located on its original site. It is very well known within the legal community that Campbell House was moved by The Advocates' Society to its current location in 1972. Other than its bald assertion, and consistent with its general pattern of opaqueness, Metrolinx provides no justification as to why Campbell House would need to be demolished now as part of the construction or what has changed from an engineering or construction perspective since it was moved form its original site to its current location more than 50 years ago.

Recent events

12. On February 3, 2023, the LSO's counsel sent court materials seeking an injunction to prevent the tree removal work on the Osgoode Hall site, as well as enjoining any other irreparable consequences of Metrolinx proceeding, and requesting an urgent case

conference. Metrolinx's counsel was copied. Earlier that day, Metrolinx had received our application to the City of Toronto.

- 13. The Court wrote to counsel later that evening to schedule the case conference for10 am the next day.
- 14. Metrolinx was aware that both the LSO and the community had serious concerns about the tree removal. However, at no time did Metrolinx advise that tree removal would begin on the Osgoode Hall site that weekend. At most we knew it was a possibility. Despite this pending proceeding, and the scheduled case conference, I am advised by Simon Di Vincenzo that at approximately 8:45 am on February 4, 2023, Metrolinx began removing trees from the Osgoode Hall site. Our counsel wrote to Metrolinx's counsel asking Metrolinx to stop work. I attach a copy of the email and Metrolinx's response as **Exhibit "O"**. Ultimately, Metrolinx agreed to stand down its crews pending the hearing of the motion for an interim injunction that was heard by the Court later that day. However, one of the trees was cut down and several others had large branches removed.
- 15. I further note that I have been advised by Sheena Weir that, after Metrolinx agreed to stand down its work crew during the case conference, it simply re-deployed the crew to perform work on another Ontario Line site.

Undertaking as to Damages

16. The LSO is a regulatory body working in the public interest to ensure that Ontarians are protected and have confidence in the legal professions. The LSO has no pecuniary interest in the outcome of this proceeding, and is acting solely as a steward of the

Osgoode Hall property. From this vantage point, if the Court does not exercise its discretion to relieve the LSO from the obligation of providing an undertaking as to damages, and the Court holds that the requested injunction is granted, I provide the following undertaking:

The LSO undertakes to compensate Metrolinx for damages that the Court determines were necessarily and solely caused by the motion for interim injunctive relief and this application for injunctive relief to which Metrolinx has no other lawful recourse, including any relevant insurance proceeds from insurance either it or its contractors maintain on this project, and subject to the Court's residual determination as to whether it is in the interest of justice to enforce this undertaking and/or the quantum of any damages Metrolinx may suffer in the circumstances of this case.

AFFIRMED remotely by Diana Miles at the City of Toronto, in the Province of Ontario, before me on the 7th 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)

Mannu Chowdhury

Diana Miles

This is Exhibit "A"
referred to in the Affidavit of Diana Miles,
affirmed February 7th, 2023
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely

Manne Chowdhury

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

Ontario Line

Osgoode Station

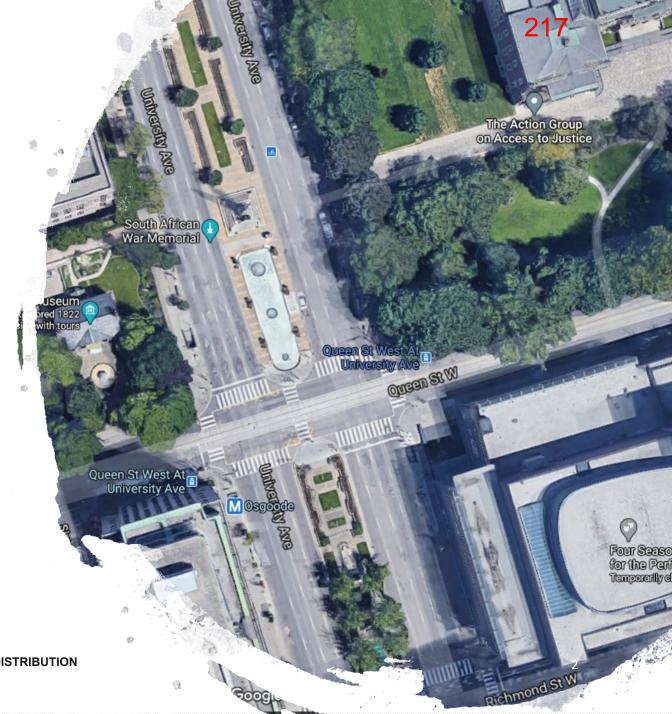
February 12, 2021



DRAFT FOR INFORMATION ONLY COMMERCIALLY CONFIDENTIAL

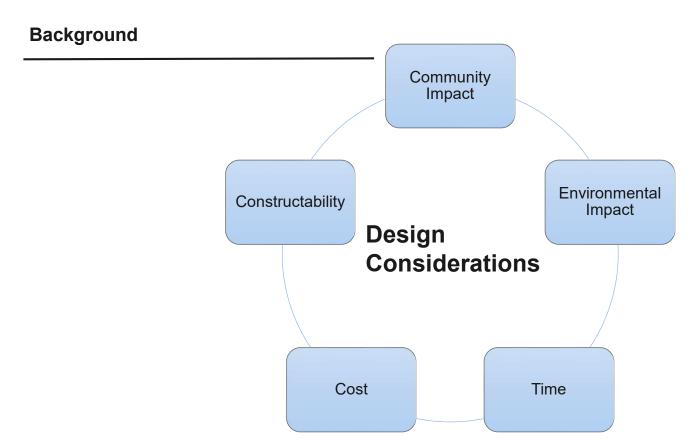
Alternative Locations for Osgoode Station

- Early studies of the surrounding area indicate that the **northeast corner** of Queen Street West and University Avenue, is the most appropriate location for the future Ontario Line Osgoode Station.
- The northwest corner option was retired to preserve heritage buildings.
- The southeast corner option was retired based on the location of the Four Seasons Centre and due to the lack of adequate space to accommodate a station entrance.
- The southwest corner will house the south station entrance building.



Osgoode Station | Entrance Building Considerations

Initial Design Iterations

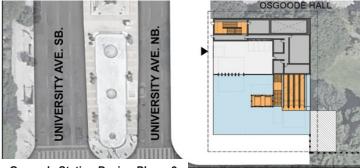


The designs shown in this presentation are for reference and conceptual purposes only and may not be indicative of the final design for the future Ontario Line station. The full station design will be identified by the successful bidder which will meet specifications provided by Metrolinx and Infrastructure Ontario. Therefore, any future construction in this area should be carefully coordinated with the successful bidder.

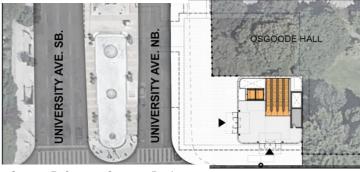
STREET LEVEL



Osgoode Station Design Phase 1 (Based on RLS - Aecom)



Osgoode Station Design Phase 2



Current Reference Concept Design





Osgoode Station | Current Reference Concept Design

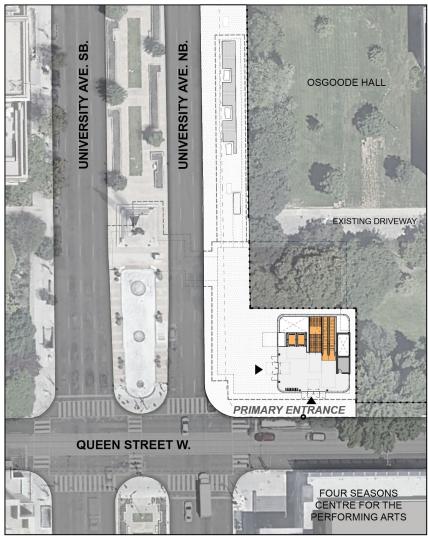
December 2020

Design Considerations and Changes

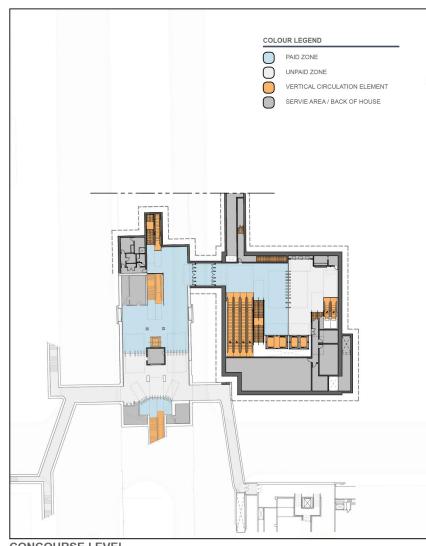
- Reduced Physical Impact: The size of the entrance building was minimized at street level, eliminating additional structures, visible obstruction and impacts to the sidewalk. The existing heritage iron fence will be removed and restored at a new location wrapping around the Ontario Line entrance building.
- TTC Integration: The size of the tunnel connection between the Ontario Line and existing TTC Line 1 Concourse level were reduced to minimize construction and traffic impacts.
- Better Visibility: Transparent material would be used to provide clear sightlines into and through the station while maximizing security and visibility of the station's interior.

Existing stairs would not accommodate the volume of passengers anticipated on the Ontario Line or meet egress requirements during emergencies. Therefore, additional vertical circulation elements and accessible connections will be incorporated in the final design.

Entrance and access to the existing TTC Line 1 and Ontario Line are made more visible for a better passenger wayfinding experience.





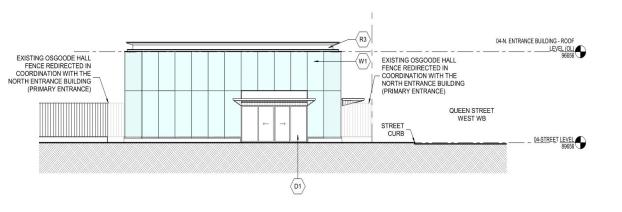


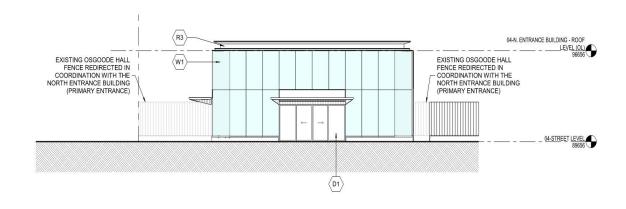
CONCOURSE LEVEL

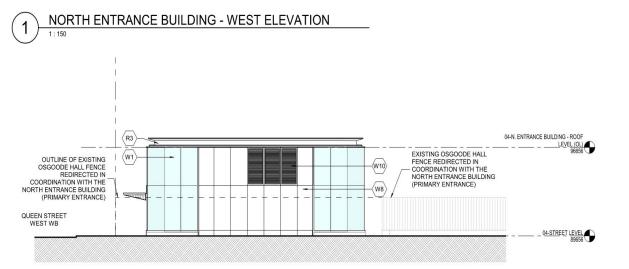


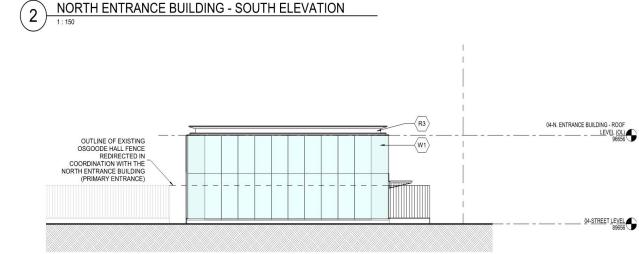


Osgoode - North Entrance Building Elevations









NORTH ENTRANCE BUILDING - EAST ELEVATION

NORTH ENTRANCE BUILDING - NORTH ELEVATION

Cultural Heritage Impacts and Approvals – Osgoode Hall





- Building on the Cultural Heritage Report (CHR), Metrolinx will be documenting confirmed impacts in the Heritage Detailed Design Report (HDDR).
 - We look forward to ongoing engagement with the Law Society of Ontario and the Registrar of the Court of Appeal when the HDDR is drafted.
 - The HDDR is scheduled for public review and comment in early 2022.
- Metrolinx is working closely with the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) to obtain Minister's Consent for impacts at Osgoode Hall.
 - Temporary construction staging and laydown requires removal of heritage attributes including a portion of the wrought iron fence, and landscaped gardens.
 - A portion of the wrought iron fence will be reinstated around the new station entrance (permanent impact).
 - Metrolinx would appreciate any information available on the wrought iron fence, and landscaped gardens, for inclusion in the HDDR.

METROLINX



This is Exhibit "B" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury



MEMORANDUM

Date: June 24, 2021

Re: Osgoode Hall Minister's Consent Material

Overview

In response to a request from the Law Society of Ontario for additional information regarding Minister's Consent material, the following memorandum provides excerpts from the *Request for Minister of Heritage, Sport, Tourism and Culture Industries Consent* (the Request for Minister's Consent) and the Minister's Consent Conditions. Specifically, as requested, this includes material related to a description of discussions between Metrolinx and representatives of the Law Society of Ontario and the Office of General Counsel.

After working closely with the Ontario Ministry of Transportation (MTO) and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), Metrolinx submitted the Request for Minister's Consent for the Osgoode Hall lands, along with other provincial heritage properties of provincial significance, on February 19, 2021. Consent, along with conditions included in a Consent Agreement, was provided on March 18, 2021. As described in the letter from MHSTCI to Metrolinx titled, Re: Consent under the Ontario Line Project in the City of Toronto pursuant to Section F.5 of the *Standards and Guidelines for Conservation of Provincial Heritage Properties*, actions proposed on Osgoode Hall lands for which consent was requested include:

- Temporary removal of structure and heritage attributes including:
 - ornamental iron fence, which will be reinstated post-construction along the Law Society's new property boundary
 - o walkways, formal gardens, lawn, and plantings in the grounds at the front of the property to facilitate construction staging and laydown areas
- Permanent removal of mature trees at the south west corner of the property to allow for construction of permanent station entrance building

The consent acknowledged the applicable legislative and regulatory framework within which the Ontario Line Project is proceeding, including the *Building Transit Faster Act*, *Transit-Oriented Communities Act*, and Ontario Regulation 341/20 made under the *Environmental Assessment Act*.

Request for Minister of Heritage, Sport, Tourism and Culture Industries' Consent

The following is an unedited excerpt from the Request for Minister's Consent related to the Record of Consultation and/or Public Engagement addressing discussions held between Metrolinx and representatives of the Law Society of Ontario and the Office of General Counsel:

Aside from engagement through the Environmental Conditions Report process, representatives of Metrolinx, including members of Community Relations, Sponsors Office, Environmental Programs & Assessment and Property Teams have been involved in discussions with representatives of the Law Society of Ontario and the Office of General Counsel regarding the proposed plan for Osgoode Hall. A summary of these meetings to date is provided below:

- On August 11, 2020, members of the Metrolinx team from Community Relations, Sponsors Office, Environmental Programs & Assessment and Property met with the members of the Law Society of Ontario including representatives from Finance, External Relations and Communications, Office of the General Counsel, and the Curator from Facilities and Planning. The Law Society's concerns related to new provisions under Bill 171 (Building Transit Faster Act 2020) including their ability to appeal expropriation, construction impacts to Osgoode Hall, and the planning process. They requested additional information on the project, the timelines, and how heritage considerations were going to be factored into the plan, which Metrolinx provided. Additionally, the ownership, tenancy and property lines at Osgoode Hall were discussed briefly and followed up separately via email between Metrolinx Property and the Law Society of Ontario's general counsel to clarify land ownership.
- On December 11, 2020, the Metrolinx Community Relations team met with the Registrar of the Court of Appeal for Ontario to provide an overview of the Ontario Line downtown segment, with a focus on Osgoode station. The Registrar shared information about the ownership and tenancy of Osgoode Hall between the province and Law Society of Ontario. The Registrar stressed the need to keep the Chief Justices of the Court of Appeal for Ontario and Superior Court of Justice informed and noted courtrooms on the west side of the property near University Avenue are susceptible to noise from the street which is an issue during court proceedings.
- On December 14, 2020, members of the Metrolinx team from Community Relations, Sponsors Office, Environmental Programs & Assessment and Property met with the Law Society of Ontario including the Curator, Facilities, and Planning, the Executive Director for Finance and CFO, General Counsel, and a Senior Manager, Facilities and Planning, and the Registrar and Manager of Court Operations of the Court of Appeal for Ontario to share updates on the downtown segment of the Ontario Line. The meeting focus was Osgoode station, the timelines for the project, and the environmental assessment process. The Law Society of Ontario and Registrar inquired about how Metrolinx will coordinate work with other development plans for the area, about station entrance locations and how they would impact Osgoode Hall and its grounds, and what

- information/documentation Metrolinx requires for its future environmental assessment reporting as it relates to Osgoode Hall. The Law Society also stressed the importance of collaborating on plans as the historic fence surrounding the grounds requires expensive maintenance in the near future.
- On February 12, 2021, attendees from the December 2020 meeting as well as subject matter experts from the Ontario Line Technical Advisory (OLTA) group met to further discuss the considerations for the station location, station entrance locations, and station design, including previous iterations of designs for the north entrance to provide context. Metrolinx provided an overview of plans for Osgoode station including the station design renderings, the timelines for the project and the cultural heritage aspects of the environmental assessment process. Metrolinx shared that the north station entrance location was determined as a result of process of elimination at the University and Queen intersection, due to other existing infrastructure and challenges at the other corners. The Law Society of Ontario and Registrar raised concerns about whether all other options for the location of the north entrance have been sufficiently explored. Metrolinx committed to providing a summary of takeaways from the meeting and any presentation materials able to be shared, as well as following up with information on some of the concerns raised and a meeting again in approximately a month.

In addition to the discussions addressed above, reference to feedback received from the Curator of the Law Society of Ontario was included in a summary of comments provided to Metrolinx during the public comment period for the *Draft Environmental Conditions Report*. This public comment period occurred between September 17 and October 17, 2020 and collected feedback related to a series of technical studies. Of interest, are comments received related to the Draft Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment and the Stage 1 archeological assessment reports.

The following is an unedited excerpt from the Request for Minister's Consent related to the Record of Consultation and/or Public Engagement addressing comments received during the public comment period:

• The Curator of the Law Society of Ontario clarified property ownership and status of the Law Society of Ontario's portion of the property under the Ontario Heritage Act. In addition, clarity was provided regarding building additions, plaques situated onsite, and the status of the property as a National Historic Site. The Law Society of Ontario further emphasized the importance of the landscape surrounding Osgoode Hall, specifically the fence and landscape grounds, where they anticipate impacts to be most likely. Finally, concern was expressed regarding stakeholder engagement and a request made for more focused

communication in the future. The Law Society's letter of October 16 2020 and Metrolinx's November 27, 2020 response is attached in Appendix A4.

Minister's Consent Conditions

The following is an unedited excerpt from the Minister's Consent Conditions provided to Phil Verster, President and Chief Executive Officer, Metrolinx, on March 18, 2021:

2. Osgoode Hall

The Osgoode Hall property (buildings and grounds) at 130 Queen Street West in Toronto is designated under Part IV of the *Ontario Heritage Act* (Bylaw 477-90) and was recognized as a National Historic Site of Canada in 1979. The property comprises two portions:

- The west portion (buildings and side lawn) is owned by Her Majesty the Queen (Ontario) and managed by Infrastructure Ontario (IO). IO has identified this portion of the Osgoode Hall property as a provincial heritage property of provincial significance.
- The east portion (buildings and front formal grounds) is owned by the Law Society of Ontario. The east portion of the property is also a property of cultural heritage value or interest of provincial significance that meets the criteria in Ontario Regulation 10/06. Therefore, upon acquisition of ownership or control by Metrolinx of this property, it will be aprovincial heritage property of provincial significance and subject to Part III.1 of the Ontario Heritage Act.

Metrolinx has requested consent for the temporary and permanent removal of structures and heritage attributes on the Osgoode Hall property as detailed below (the "Osgoode Hall Request"). While some heritage attributes (e.g., the cobble-stone driveway and cast-iron gate across the driveway) are located on the Crown/IO portion of the property, most of the heritage attributes to be removed are located on the portion owned by the Law Society. The heritage attributes to be removed include:

- West portion of property owned by Her Majesty the Queen (Ontario) and managed byInfrastructure Ontario:
 - o Temporary removal of cobble-stone driveway and cast-iron gate.
- East portion of property owned by Law Society of Ontario:
 - Temporary removal of portions of the cast-iron fence which will be re-instated post-construction along the Law Society's new property boundary (a portion at the southwest corner of the property will be acquired for the construction of a new station entrance building).
 - Permanent removal of mature trees at the south west corner of the property to allow for construction of a permanent station entrance building.

 Temporary removal of walkways, formal gardens, lawn, and plantings in the grounds at the front of the property to facilitate construction staging and laydown areas.

Consent - Osgoode Hall

For the purposes of Section F.5 of the Standards & Guidelines for Conservation of Provincial Heritage Properties dated April 28, 2010 prepared pursuant to Section 25.2 of the *Ontario HeritageAct*, I hereby consent to Metrolinx's request, subject to the following conditions:

1. Holistic Approach:

a) The heritage aspects at the University and Queen intersection should be approached holistically and their interconnections recognized, including, but not limited to, project scheduling, heritage conservation and interpretation and commemoration. Therefore, a team of Qualified Persons should be assembled to address the various heritage components at or near the University and Queen intersection. Qualified Persons in this instance means individuals having expertise, recent experience and knowledge relevant to the type of cultural heritage resources being considered and the nature of the activity being proposed.

2. Archaeology:

- b) Stage 2 archaeological assessment (and further Stage 3 and Stage 4 archaeological assessment, if recommended in the Stage 2) will be completed as early as possible, prior to the completion of Detailed Design and well in advance of any ground disturbing activities.
- c) All archaeological assessments will be undertaken in accordance with the Ontario HeritageAct, the 2011 Standards and Guidelines for Consultant Archaeologists, and in accordance with the recommendations of previously completed archaeological assessment reports, if any.

3. Station Entrance Design:

- d) Incorporate the design principles articulated below and in the *Ontario Line Design Guide*, or similar design guide document for the Ontario Line including:
 - The above ground portion of the station will be designed to have minimal visual intrusion to the corner and minimal visual obstruction to the Osgoode Hall buildingsthrough adoption of the following:
 - o A low building profile and flat roof to reduce impacts to views.
 - o Use of glass to reduce impacts to views.
 - The new station shall be visually compatible with and distinguishable from theprovincial heritage property.
 - The footprint will be as compact as possible to reduce impacts to landscape andviews.

e) The station design will be developed in consultation with City of Toronto Heritage Preservation Services, Law Society of Ontario and IO's Heritage Projects team to achieve the best sympathetic design that is visually compatible with and distinguishable from the provincial heritage property.

Osgoode Hall Grounds

- 4. Documentation and Pre- and Post-Construction Conditions Assessment
 - f) Prior to the completion of Detailed Design and in advance of any ground disturbing activity, including an archaeological assessment, a Qualified Person(s) (e.g., landscape architect with experience in heritage landscapes) will be retained to conduct a pre-construction conditions assessment and to fully document the Osgoode Hall grounds.
 - g) Documentation must be done to the standards of the National Park Service's Historic American Landscapes Survey and deposited in appropriate institutions. When sending the documentation to the institutions, Metrolinx shall copy MHSTCI on the cover letter.

 Documentation should include all aspects of the grounds, including but not limited to, cobble-stone driveway, berms, formal gardens, open lawn areas and a full inventory of the existing trees and plantings throughout the grounds.
 - h) Documentation will be used to inform restoration of the grounds, in consultation with the Law Society of Ontario and IO Heritage Projects team, when construction is complete.
- 5. Landscape Management Plan
 - i) Prior to completion of Detailed Design, a Qualified Person(s) (e.g., landscape architect withexperience in heritage landscapes) will be retained to complete a Landscape ManagementPlan for the Osgoode Hall property, in consultation with the Law Society of Ontario and IO Heritage Projects team.
 - j) The Plan will outline and direct:
 - How temporary construction impacts to the grounds will be minimized (e.g., installation of protective hoarding, barriers, or material to minimize effects of construction staging or storage).
 - How impacts to the existing landscape elements will be minimized and provide appropriate strategies for tree removal, seed and specimen retention, re-planting, etc. The Plan may also address creation of interpretive materials or public spaces.
 - How new landscape elements and restorative landscaping will best be achieved.
 - k) The Plan should include a strategy for mature trees on the Osgoode Hall property, whichmay include retention of specimens for future propagation, salvage of material where feasible for incorporation into

new landscape elements, and/or interpretative or commemorative displays (e.g., using wood to construct landscape elements such as benches) or other artistic features.

Osgoode Hall - Built Structures or Features (e.g., Cast-Iron / Stone Fence and otherstructures)

- 6. Documentation and Restoration Plan
 - I) Prior to removal of the fence and any other built structures or features, a Qualified Person(s) will be retained to fully document the existing fence. The documentation will follow the standards of the National Park Services' Historic American Engineering Recordand may include photodocumentation and/or 3D modelling of the fence, its original materials, components, and location.
- 7. Removal and Reinstallation
 - m) Prior to any on-site construction activities, the fence will be dismantled and removed by, orunder the direct supervision of, a Qualified Person(s) with knowledge and experience in historic metal and stone/masonry to avoid and/or minimize damage to the historic fabric. Similarly, any reconstruction or reinstatement of any of the fence should be done by Qualified Persons with knowledge and experience in metal and stone/masonry.
 - n) The project will be planned to avoid, to the greatest extent possible, impacts to the fence, striving to remove only the necessary portions. The cast-iron entrance gates (i.e., "cow gates") will be avoided entirely.
 - o) The existing fence material (e.g., metal and stone) will be retained and stored appropriately, as advised by the Qualified Person(s) to minimize deterioration and to allow for its restoration after construction.
 - p) Metrolinx will work with the Law Society of Ontario and IO Heritage Projects team to coordinate any restoration work for the removed and restored portions of the fence to align with and support the Law Society of Ontario's planned maintenance work.
 - q) In accordance with requirements of Landscape Management Plan described in Condition#5 above and prior to any on-site construction activities, protective hoarding, barriers, or material will be placed around portions of the retained fence, entrance gates and/or any landscape elements during construction.

General Conditions Applicable

In addition to site specific conditions, the following General Conditions were also included in the Minister's Consent Conditions provided to Phil Verster, President and Chief Executive Officer, Metrolinx, on March 18, 2021:

1. Changes to Project Plans or Proposed Mitigation Measures

a. Where project plans or proposed mitigation measures change as they relate to this Minister's consent or where these conditions cannot be completed as described above, Metrolinx will seek MHSTCI's advice prior to proceeding.

2. Annual Updates

a. Until all these conditions have been fully met, Metrolinx will provide an annual report to the Director, Programs and Services Branch, Heritage, Tourism and Culture Division of MHSTCI, providing an update on the status of the project and progress on implementing these conditions.

3. Duty to Consult

a. Metrolinx must carry out any obligation to consult with Indigenous people, where required, and provide accommodation, where necessary throughout the duration of the Ontario Line Project to which this Consent applies. Upon completion of any consultation, Metrolinx will provide the ministry with a record of the consultation that may have occurred.

This is Exhibit "C" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

Ontario Line

Osgoode Station Stakeholder Engagement Table

Malcolm MacKay, Program Sponsor, Ontario Line June 23, 2021





Agenda

- Safety Moment
- Introductions
- Meeting Purpose
- Context and Key Considerations
- RCD
- Alternatives
- Northeast Entrance Optimization
- Architectural Treatments
- Upcoming Workshop

Introductions

This is the first meeting with the newly formed Osgoode Station Stakeholder Engagement Table which comprise representatives from:

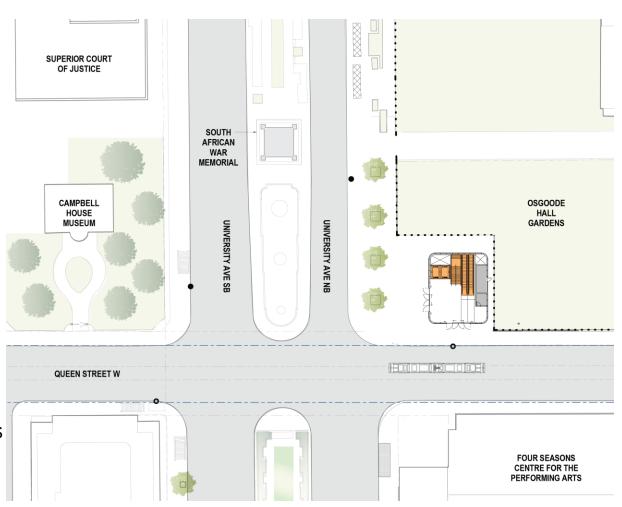
- Law Society of Ontario
- Court of Appeals for Ontario
- Representatives for the Chief Justices

Representatives from the Project Team include:

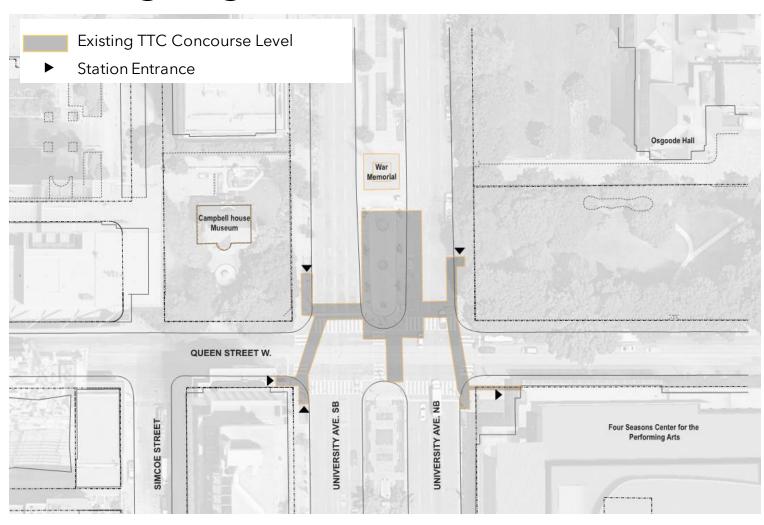
- Ontario Line Sponsor's Office
- Ontario Line Technical Team
- Ontario Line Technical Advisor
- Infrastructure Ontario
- Metrolinx Design Division
- Metrolinx/IO Real Estate Services
- Metrolinx Environmental Programs & Assessment (EPA)

Meeting Purpose and Context

- Last meeting held April 6, 2021 with the Law Society of Ontario and the Court of Appeals for Ontario
- What we heard:
 - Request to revisit decision, assess feasibility of other configurations that avoid Osgoode Hall
 - If entrance cannot be moved, request to advance options that would limit the permanent and temporary impact to Osgoode Hall gardens - both footprint and architectural/aesthetics
- Purpose of today's meeting:
 - Provide project update including responses to questions raised at April 6 meeting
 - Outline opportunities for input into decision-making and design progress going forward



Existing Osgoode Station



- Opened in 1963
- Approaching capacity
- Grandfathered Fire Code does not meet today's standards
- Only accessible entrance is from the southeast corner (Four Seasons) - the remainder are stairs
- Significant upgrades to the existing station to meet future passenger volumes, meet fire code, and improve accessibility

Key Considerations in the Planning and Design Process

Technical Requirements

- Capacity to meet ridership growth, minimum level of service (passenger congestion level)
- Fire Code existing station must meet current fire and life safety requirements (ventilation and emergency exit routes)
- Construction a large site is needed for station and tunnel mining operation

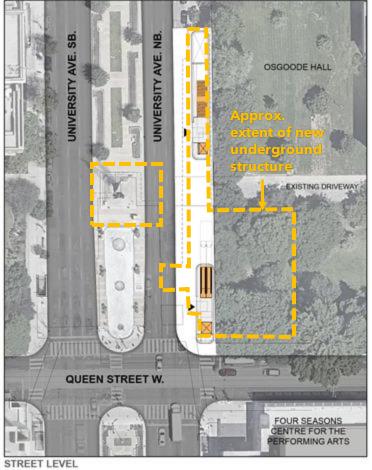
Strategic Considerations

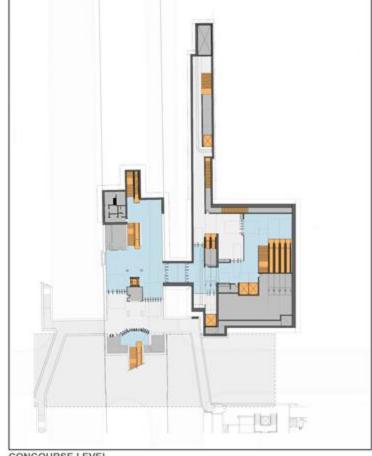
- User Experience anticipate where users are coming from/going to in order to reduce net travel time
- 80+ year outlook consider what the City and station area will look like in 10, 30, 50, 80 years to contextualize the transformative potential of the station with the temporary impacts. Protect for the future realignment of University Avenue (TOCore)
- Limit net construction impacts balance the short term and long term trade-offs of tree impacts, heritage features, pedestrians, autos, cyclists, and streetcars for the 5+ year construction period

Relief Line

- Osgoode Station was the terminus of the former Relief Line concept
- Through the 15% design process, the TTC determined that the existing northeast entrance would need to be expanded to meet projected passenger volumes including a cut and cover under Osgoode Hall lands for the concourse
- When the Ontario Line was announced and the Relief Line was cancelled, the TTC had not yet confirmed if the sidewalk entrances proposed in the 15% design were large enough and were considering an expansion of the surface footprint into Osgoode Hall lands

TTC 15% Design of Osgoode Station Northeast Entrance



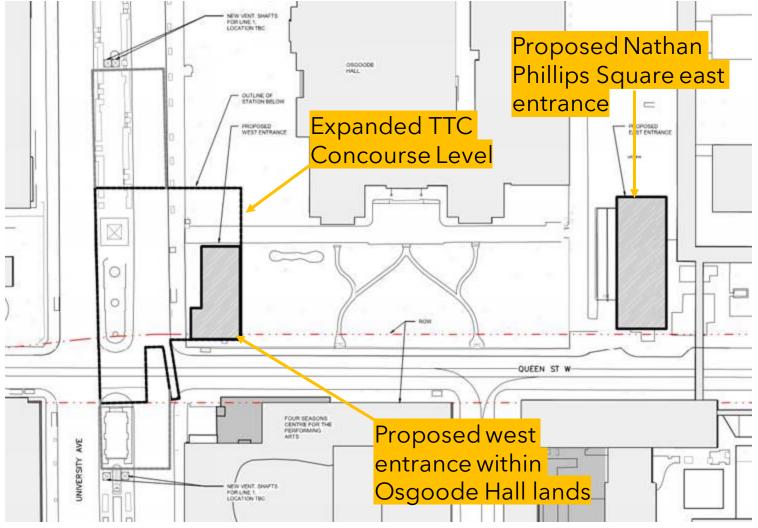


CONCOURSE LEVEL

Relief Line

- Osgoode Station was the proposed western terminus of the Relief Line
- After the EA was approved in 2018, the TTC led the detailed design effort up to when the project was cancelled in 2019
- Supported by pedestrian simulation modelling and updated ridership numbers, the TTC concluded that the EA concept that showed the main entrance in the Bank of Canada Building was not feasible and that the northeast entrance required significant expansion to meet demand
- In the 15% design finalized in December 2018, the TTC proposed a concept similar to the Ontario Line except with the second entrance occupying the parking ramp to City Hall instead of off Simcoe Street

TTC 15% Design of Osgoode Station Northeast Entrance (Dec 2018)

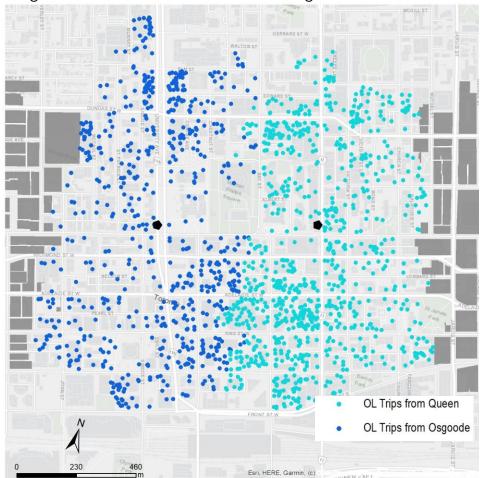


NOTE: Lands required for construction were not identified by the TTC at the 15% design phase.



Understanding Demand

Origin-Destination Plot for Queen and Osgoode Stations in 2041

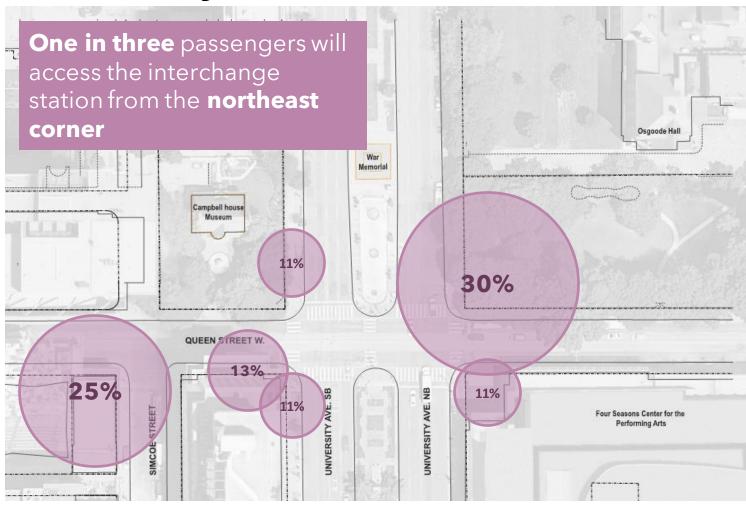


1 dot = 20 trip origin/destinations in the 2041 AM peak hour

- Ontario Line riders' origins/destinations in the downtown core are roughly evenly split between Queen and Osgoode stations
- At Osgoode in 2041:
 - 16,500 residents and 110,500 jobs will be within a 10 minute walk of Osgoode interchange station
 - 12,000 riders per hour will use the station
 - Approx. 1000 riders per hour will be people transferring to/from the Queen streetcar

Additional pedestrian simulation modelling was undertaken to determine passenger demand at each existing and proposed Osgoode station entrance

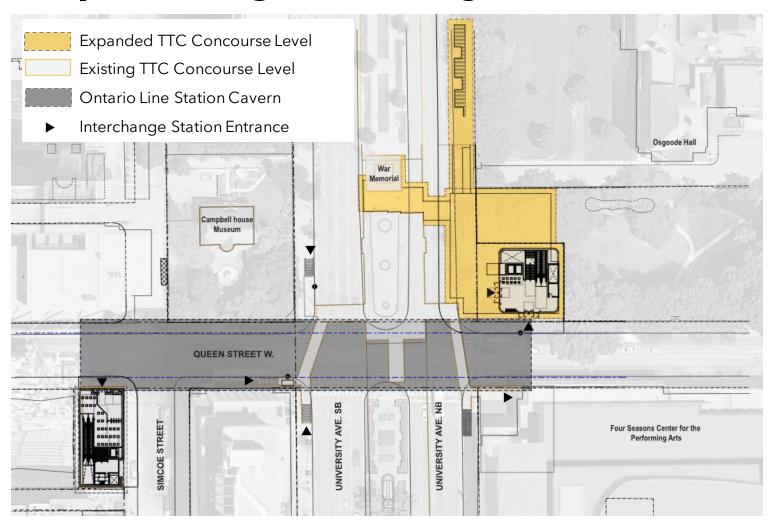
Demand by Entrance



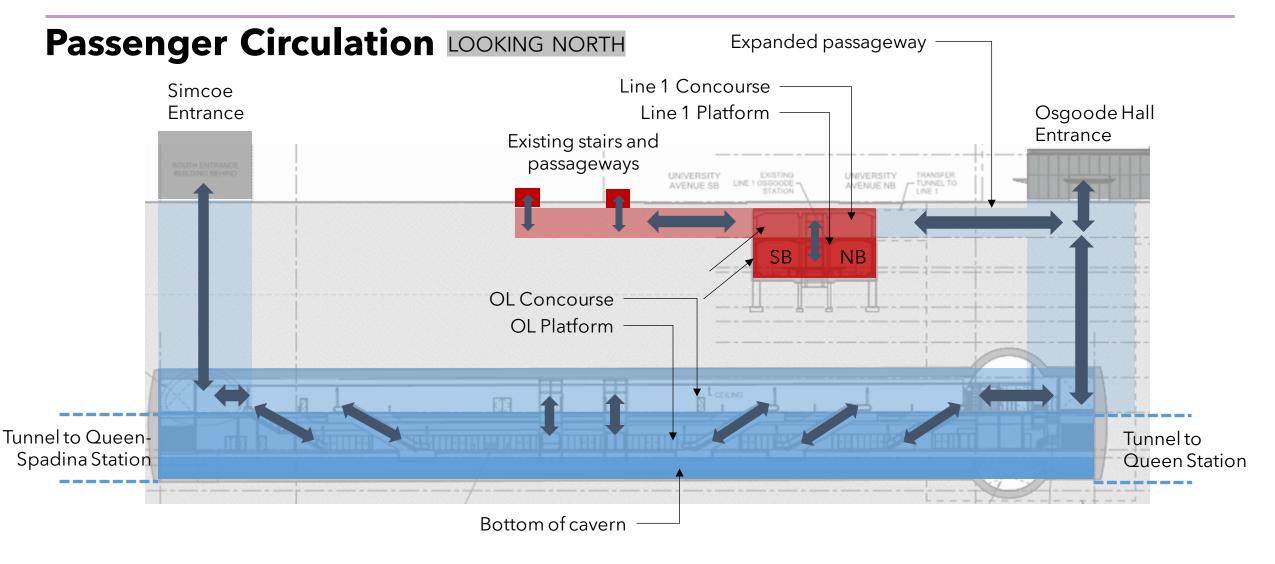
Regardless of the final station entrance locations, the existing northeast entrance (shown below) is inadequate to meet projected demand, consistent with TTC findings



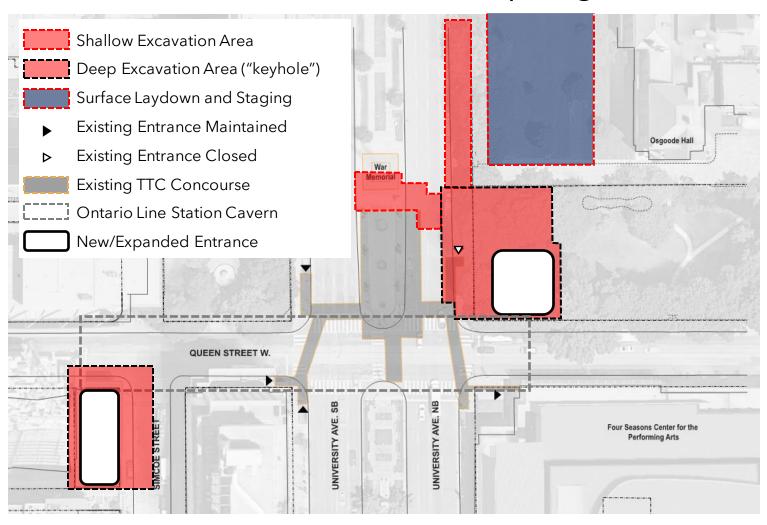
Proposed Osgoode Design (Final Condition)



- Replace existing northeast stair with a full service accessible entrance with direct paths to Ontario Line and Line 1
- The southwest entrance will provide a direct path to Ontario Line only
- All other existing entrances maintained with access to Ontario Line via the Line 1 concourse to the stairs/escalators/elevators under Osgoode Hall

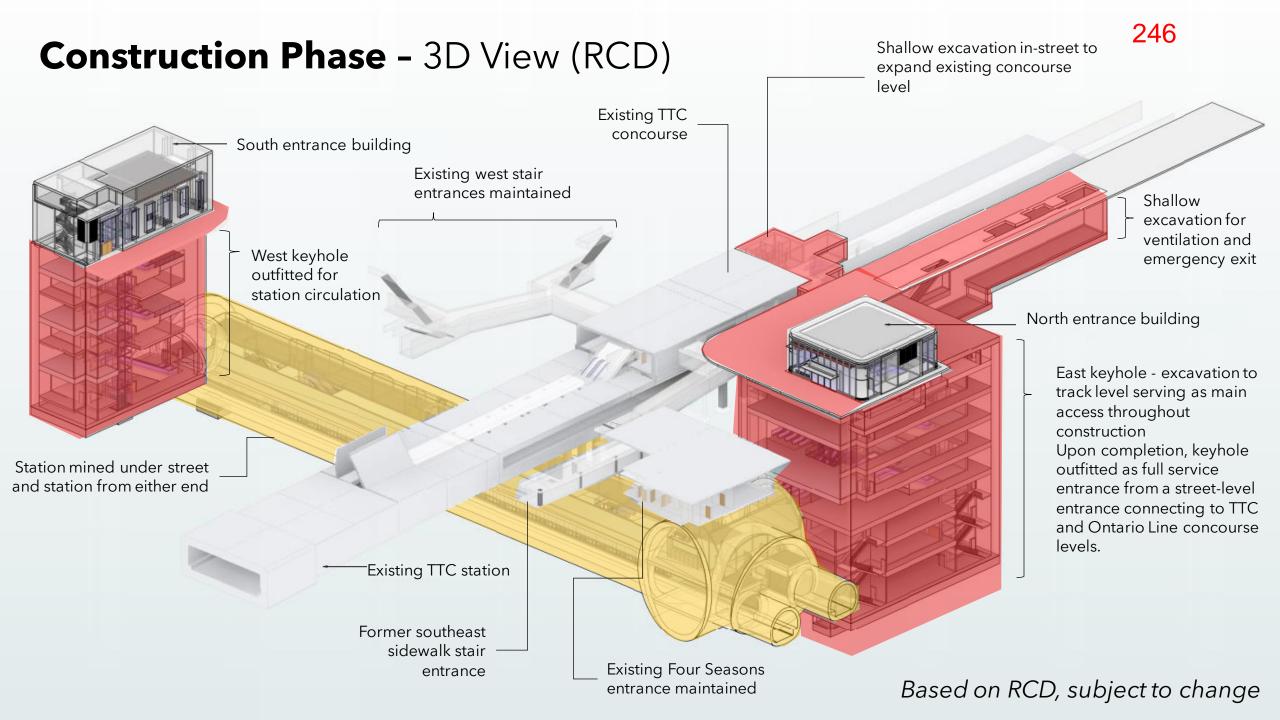


Construction Phase - Start Spring 2023



The northeast construction site will host multiple and sometimes concurrent activities for station and tunnel construction and could include:

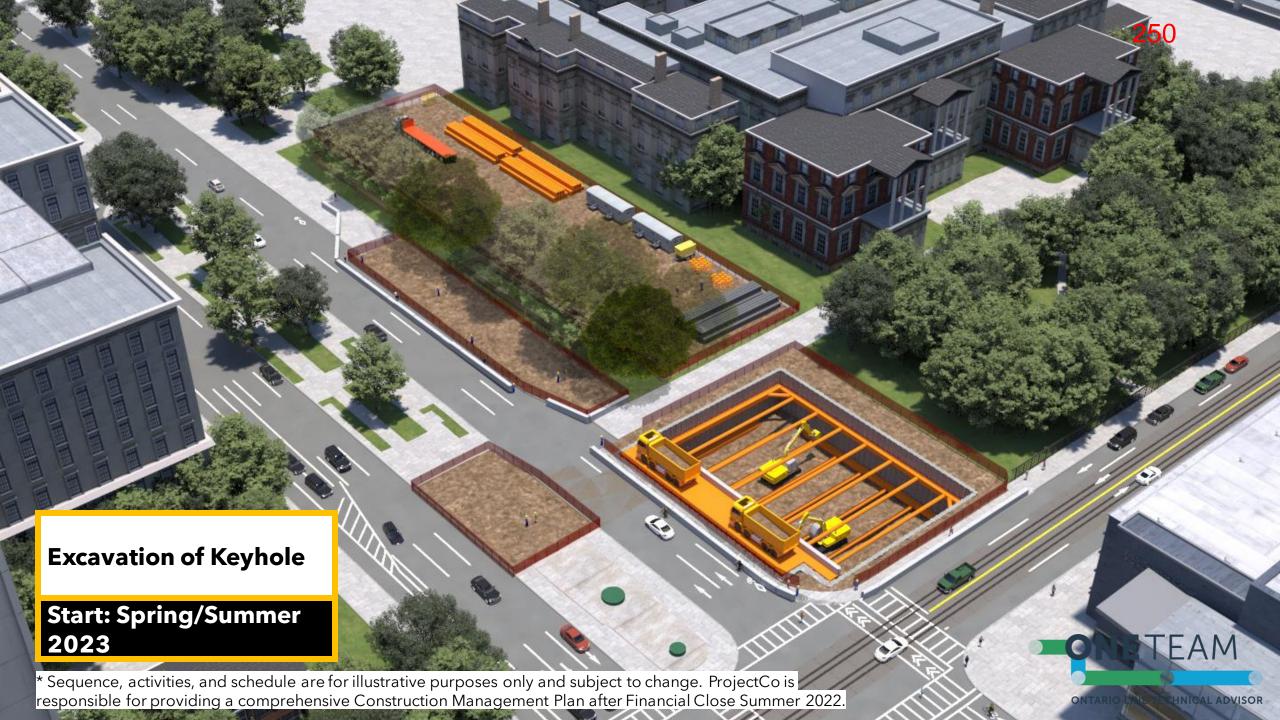
- 1. Excavate a "Keyhole" to track level approximately 30 m deep
- **2. Station cavern construction** the keyhole serves as the main entry and exit point for staff, equipment, materials, and spoils to/from station cavern
- **3. Tunnel boring machines** disassembly, extraction, storage and transport
- **4. Tunnel construction** similar to #2 but for mining operation of tunnel to/from Yonge Street
- **5. Keyhole Fitout** when underground activities are complete, parts of the keyhole will be outfitting with circulation to Line 1 and OL levels with an entrance building on the surface

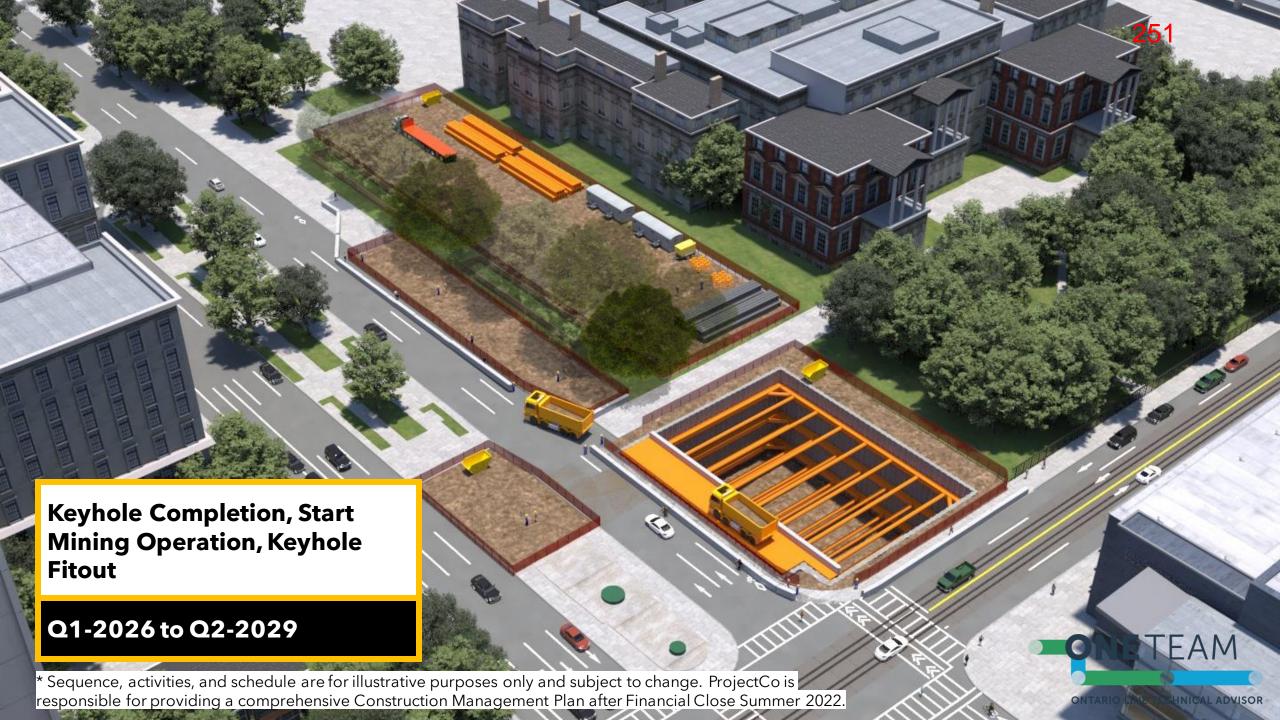


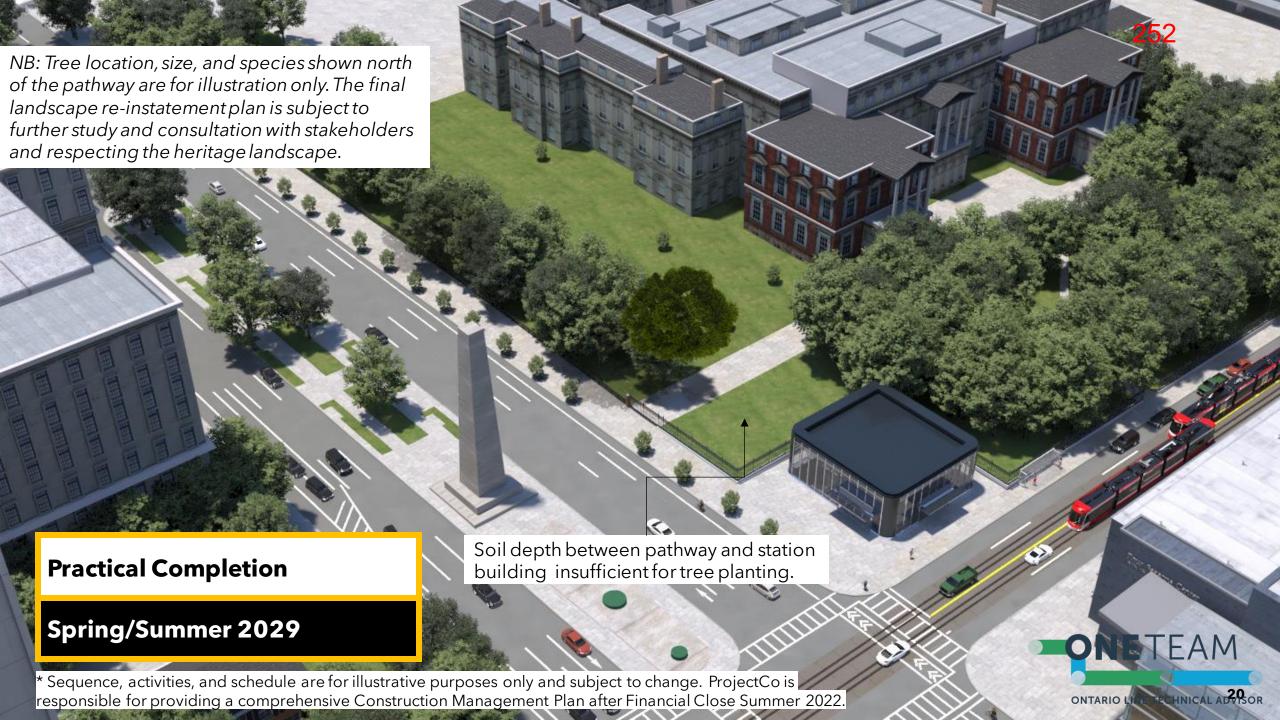






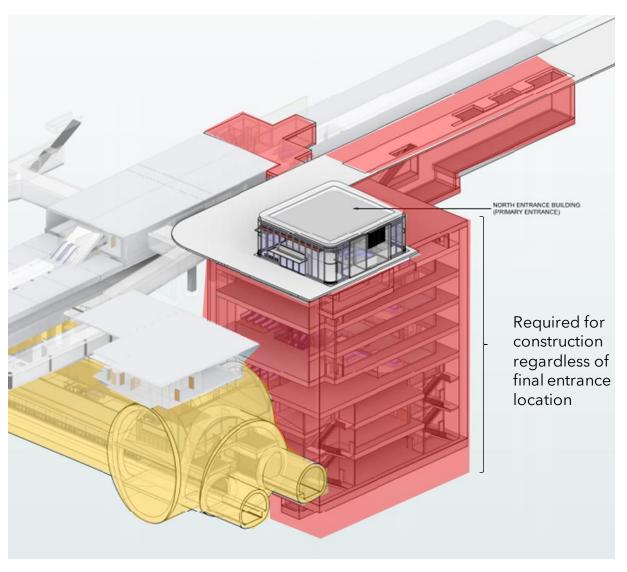








Construction Considerations for Alternative Entrance Locations

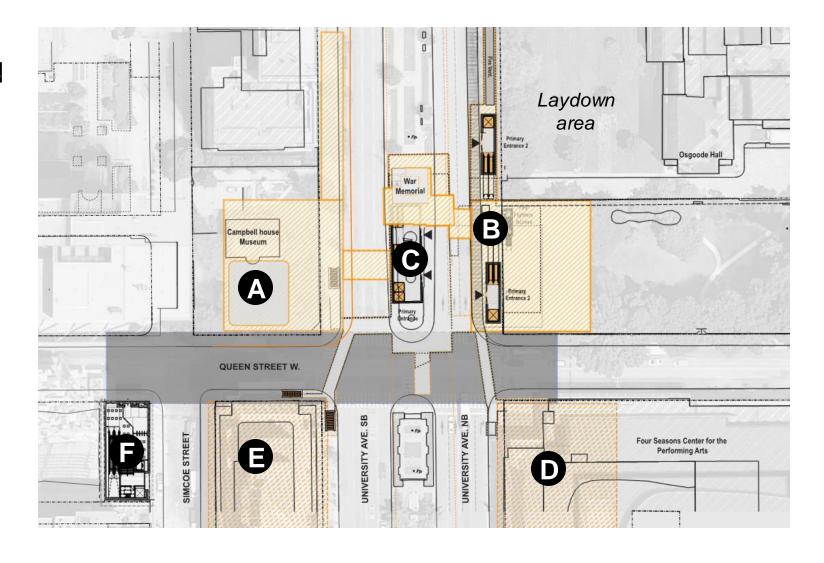


- Regardless of the size and placement of the final station entrance building, two requirements remain constant:
 - Upgrade to northeast entrance stairway to meet projected passenger demand
 - 2. Osgoode Hall is the only area that is both large enough and adjacent to the station for a keyhole and laydown area for station and tunnel mining activities

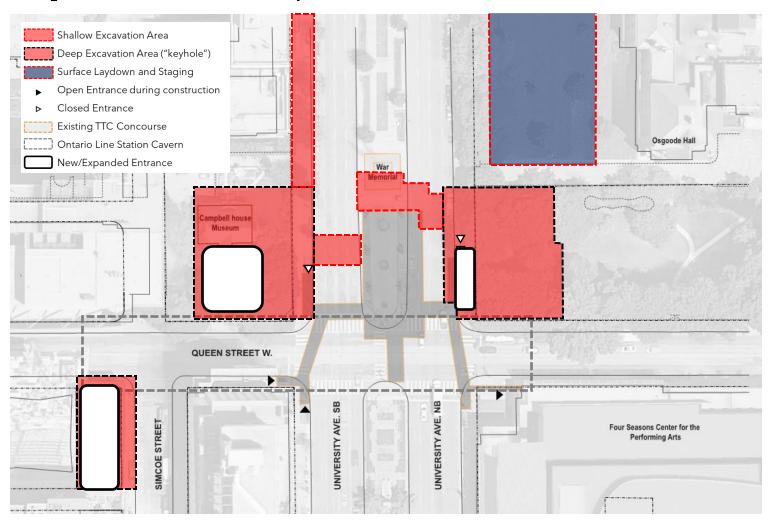
Assessed Alternatives

Five alternative entrance configurations were considered in the planning and design process.

- A. Campbell House
- B. East Side Boulevard
- C. Median
- D. Four Seasons
- E. Bank of Canada Building
- F. Simcoe Only



Option A - Campbell House



- New entrance building on Campbell House property - connection to Line 1 via new passageway
- Expanded northeast stair required to meet passenger demand
- Campbell House site too small to accommodate both keyhole and laydown activities - Osgoode Hall grounds still required for construction

Challenges & Risks:

- Campbell House relocation and removal of green space
- Poor passenger circulation and wayfinding
- Significant cost premium and potential schedule risks
- Additional traffic lane closures
- Complex staging to maintain Line 1 access during construction
- Utility conflicts (potential fatal flaw)

Option B - East Side Boulevard



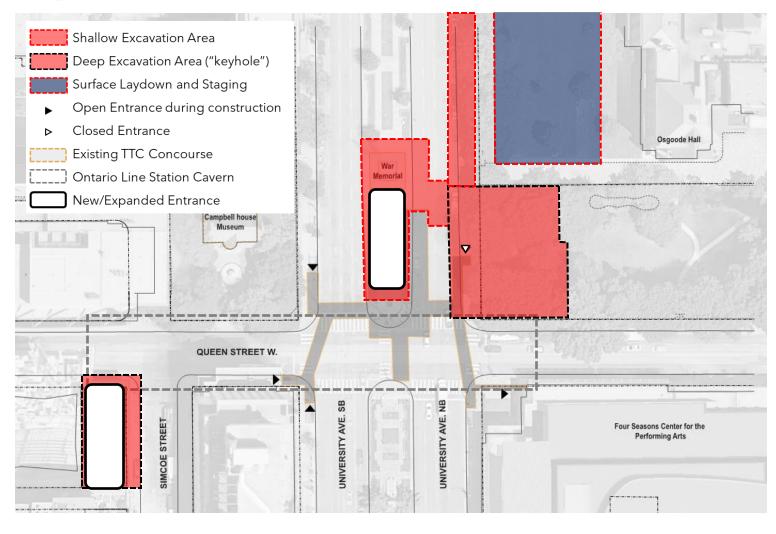
- Modified Relief Line 15% design
- Two new accessible entrances in the east sidewalk potentially avoids permanent surface land requirements in Osgoode Hall
- TTC concourse modifications to expand capacity and connect to Ontario Line vertical circulation under Osgoode Hall green space
- Construction impact to Osgoode Hall comparable to base case

Challenges & Risks:

- Poor streetcar transfer and wayfinding
- Sidewalk congestion (likely a fatal flaw)
- Entrances too close to tunnel ventilation

Fatal Flaw: Entrances and below-grade circulation does not meet projected demand

Option C - Median



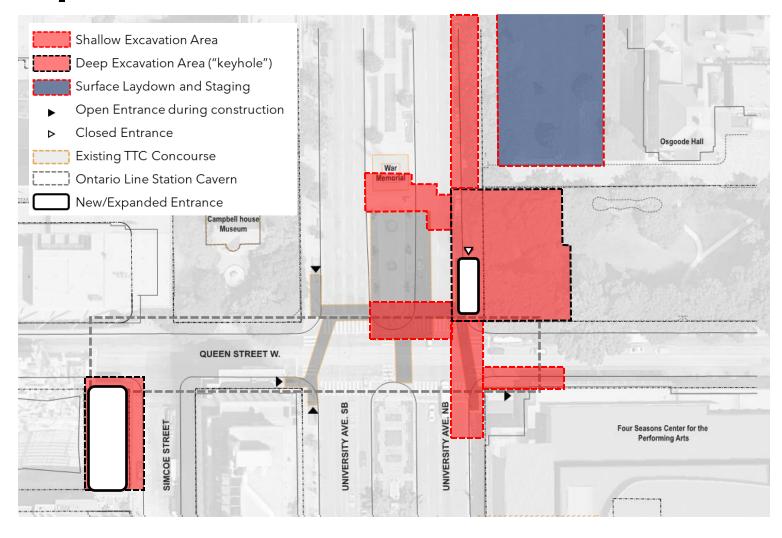
- Northeast stairway entrance replaced with accessible entrance leading directly into expanded TTC concourse
- TTC concourse modifications to expand capacity and connect to Ontario Line vertical circulation under Osgoode Hall green space
- Construction impact to Osgoode Hall comparable to base case

Challenges & Risks:

- Poor streetcar transfer and difficult for pedestrians to access - all users must cross University Ave
- Permanent relocation of War Memorial
- Capacity and fire code compliance (potential fatal flaw)

Fatal Flaw: Impacts to Line 1 during construction; conflict with TOCore vision

Option D - Four Seasons

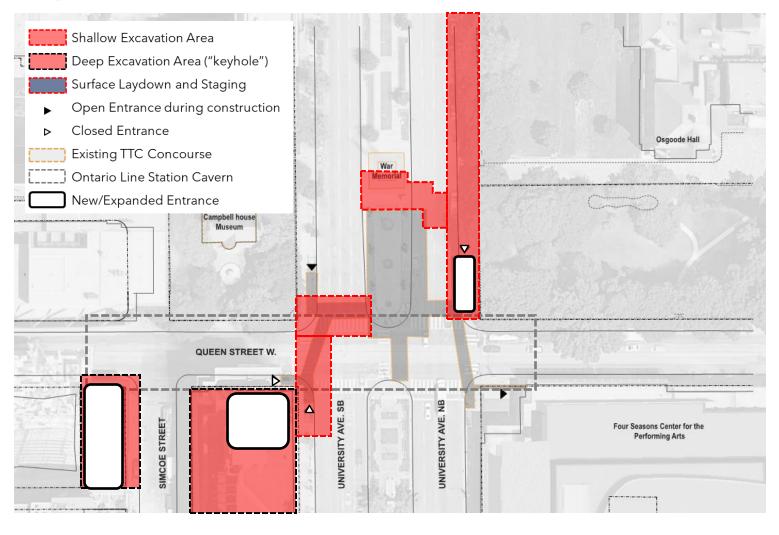


- Expand existing Four Seasons entrance
- TTC concourse modifications to expand capacity and connect to Ontario Line vertical circulation under Osgoode Hall green space
- Expanded northeast stair required to meet passenger demand
- Construction impact to Osgoode Hall comparable to base case

Challenges/Risks:

- Insufficient construction and laydown area, still need Osgoode Hall
- Technical feasibility concerns building under building
- Impact to Performing Arts Centre
- Capital cost

Option E - Canada Life Building



- Integration of entrance into building at southwest corner of University and Queen intersection (Bank of Canada Building)
- Widening of existing passageways to meet fire code
- Expansion Line 1 concourse north to connect to expanded northeast stair
- Demolition of the Bank of Canada Building (250 University) for keyhole and laydown an 8 storey heritage building

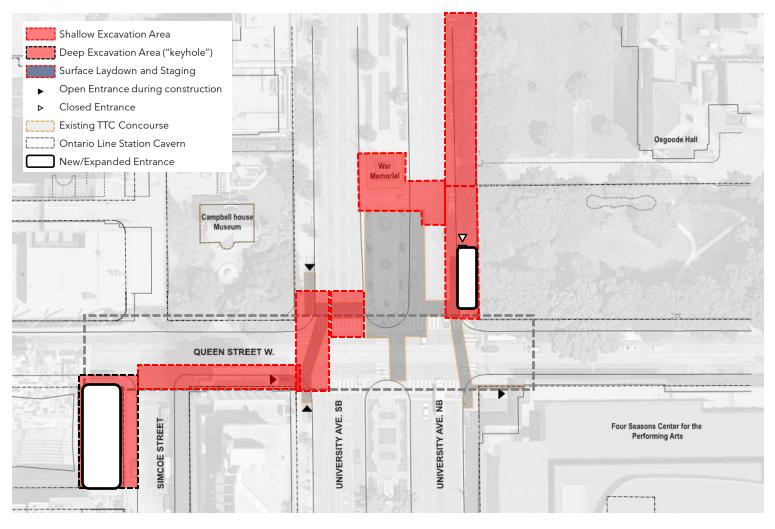
Challenges/Risks:

- Heritage impact
- Additional street and utility impacts
- Poor wayfinding and passenger circulation
- Fire code requirements
- Cost and schedule impact

Fatal Flaws:

 Lack of suitable laydown area adjacent to southwest keyhole

Option F - Simcoe Only



- Shallow excavation for northeast stair expansion to Line 1 concourse level
- Access to Ontario Line via circulation from Simcoe entrance
- New and expanded passageway connecting Simcoe entrance to Line 1 concourse

Challenges & Risks:

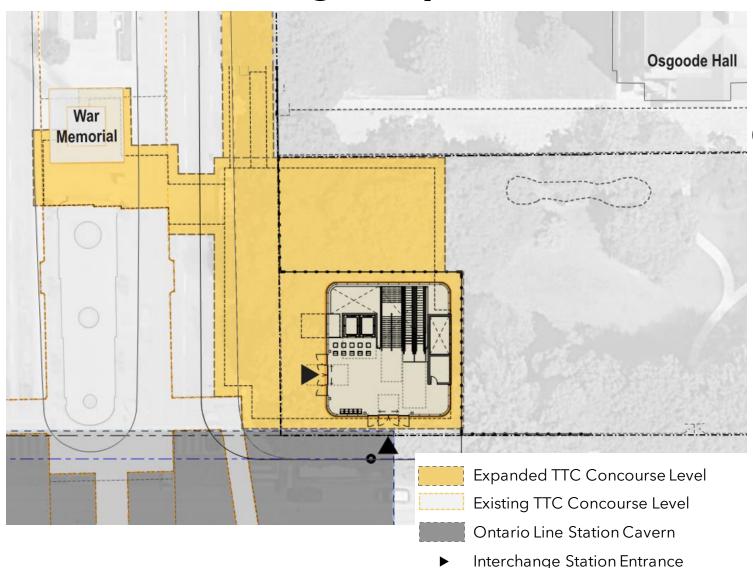
- Poor circulation and wayfinding up to 100 m longer transfer for majority of riders
- Poor distribution of passengers to Ontario Line - endloading
- Additional street and utility impacts
- Entrances too close to tunnel ventilation

Fatal Flaws:

- Simcoe site too small for keyhole and no suitable laydown area adjacent to site
- Does not meet crowding standards



Entrance Building Footprint



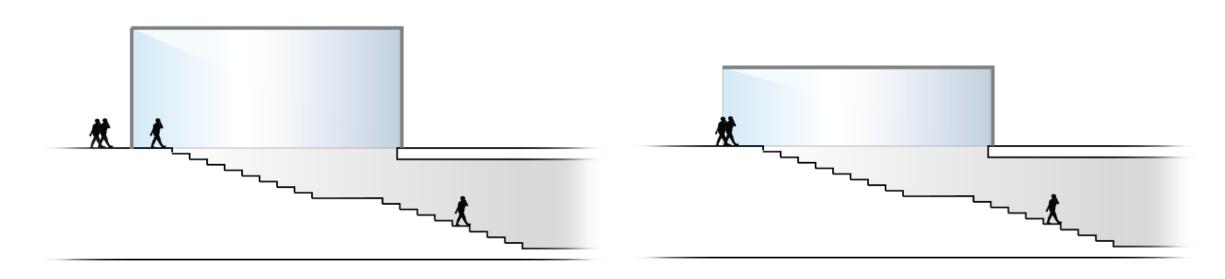
The Project Team is seeking stakeholder input on options to reduce the surface building size and position relative to the street.

Note the underground concourse level design is largely fixed - set by requirements for vertical circulation, ventilation, and traction power supply to/from Ontario Line

The design team is currently developing alternative options (for presentation at the next stakeholder workshop) considering a number of factors including:

- Location, sizing, and run-off clearances for elevators, escalators and stairs
- Surge space provision
- East sidewalk width (subject to City of Toronto approval)
- Enclosure
- Entrances facing just Queen or University instead of both

Entrance Enclosure



ENCLOSED SEMI-ENCLOSED

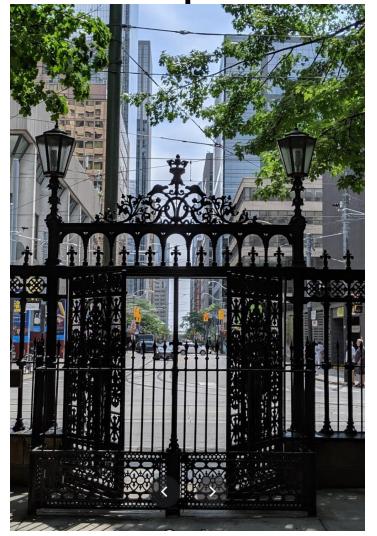
PROTECTION FROM ELEMENTS

POTENTIAL REDUCTION OF VISUAL IMPACT*

RCD

*To be confirmed against functional requirements

Context | Details & Materials







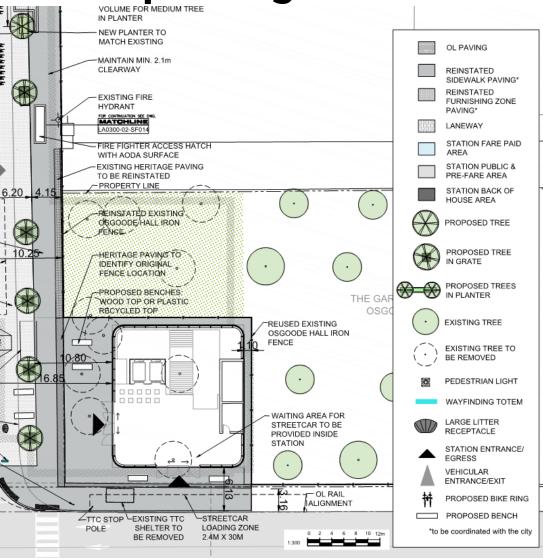








Landscape Mitigations



- Where fence cannot be re-instated to the existing condition, the Project Team is seeking stakeholder input on mitigations as part of the station entrance optimization workshop
- Replanting options between the pathway and station entrance are limited due to shallow soil depth (approx. 50 cm). The Project Team is committed to further explore the feasibility of providing greater depth recognizing that the elevation is limited by the shallow existing Line 1 concourse to which it connects
- Landscaping north of the pathway subject to further discussions

Workshop





July Workshop

- Workshop to be held in July with stakeholders covering the following topics:
 - Construction phase mitigations access, noise and dust, temporary hoarding, tree protection
 - Entrance optimization size and orientation
 - Aesthetic treatments
 - Fence reinstatement
 - Landscape mitigations and re-instatement



This is Exhibit "D" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury



Barreau de l'Ontario

Osgoode Hall 130 Queen Street West Toronto, Ontario M5H 2N6 https://www.lso.ca Treasurer's Office 416-947-3300 1-800-668-7380 <u>treasurer@lso.ca</u>

March 31, 2021

His Worship Mayor John Tory City of Toronto 100 Queen Street West Toronto, ON M5H 2N2

Dear Mayor Tory,

I am respectfully writing to request your support to ensure the historical, and architectural and cultural characteristics of Osgoode Hall and its grounds are safeguarded, in keeping with the principles of the provincial legislation and approved municipal planning strategies and standards. I am also requesting your kind assistance to convene a meeting with you, representatives from your office and the appropriate City officials to discuss the Law Society of Ontario's concerns with Metrolinx's plans to expropriate land from the Law Society, altering and compromising the integrity of the character-defining elements of Osgoode Hall's heritage designation.

It was with significant concern and considerable surprise that on February 12, Law Society staff learned that Metrolinx proposes to place the main entrance to the Osgoode Station of the new Ontario Line on the southwest corner of the Osgoode Hall property. This is being proposed despite Osgoode Hall, its grounds and fence being designated under Part IV of the *Ontario Heritage Act*, as a National Historic Site of Canada, and recognized as a significant archaeological resource.

As you know, the grounds of Osgoode Hall have been identified by the City of Toronto as an important publicly accessible open space in an urban core that is rapidly densifying and feature prominently in the Toronto Official Plan. The impacts of this proposal include: the development of a structure that will interfere with the heritage aspects of the property and its buildings, including, removal and reinstallation of the 1867 heritage fence to a new configuration around the station, the permanent removal of greenspace and a significant number of trees on the Osgoode Hall property.

It is not clear from Metrolinx's presentation, and despite subsequent requests for more information, that options other than the Osgoode Hall grounds have been thoroughly investigated. Without thorough consideration, the Law Society property seemingly offers Metrolinx the easiest solution, in effect a blank page preserved with care for centuries in the heart of Downtown. It is our position that further diligence is required before proceeding with a plan that would significantly affect the integrity of this important heritage resource and green space.

The Law Society's Chief Executive Officer and the Chief Justices of both the Court of Appeal for Ontario and the Superior Court of Justice sent correspondence to the Chief Executive Officer of Metrolinx in early March to register our mutual concerns. The Law Society received a reply on March 16, reiterating Metrolinx's position and intention to proceed with their proposal. Copies of this correspondence is enclosed for your information.

As Mayor of the City of Toronto, no one is better positioned to understand that as the city evolves, we must make the right choices to shape its future, while nurturing the elements that define the city's identity and make it livable, such as significant landmarks, landscapes, and green spaces. We believe that the one goal does not have to undermine the other, however, as stewards of this heritage site it is our responsibility to pursue all reasonable alternatives to lessen or eliminate the impacts and preserve one of Canada's most significant and protected assets.

We are committed to collaboration to find a solution and hope that you will offer your support to these efforts. We look forward to your response and hope that a meeting with you and the appropriate City of Toronto officials can be quickly convened.

Yours truly,

Teresa Donnelly Treasurer

Copies:

Councillor Ana Bailão, Chair Planning and Growth Committee Councillor Joe Cressy, Ward 10 Gregg Lintern, Chief Planner & Executive Director, City of Toronto The Hon. George R. Strathy, Chief Justice, Court of Appeal for Ontario The Hon. Geoffrey B. Morawetz, Chief Justice, Superior Court of Justice Diana Miles, Chief Executive Officer, Law Society of Ontario

This is Exhibit "E" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Manne Chowdhury
Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

Ontario Line

Osgoode Station

April 6, 2021

DRAFT FOR INFORMATION ONLY COMMERCIALLY CONFIDENTIAL



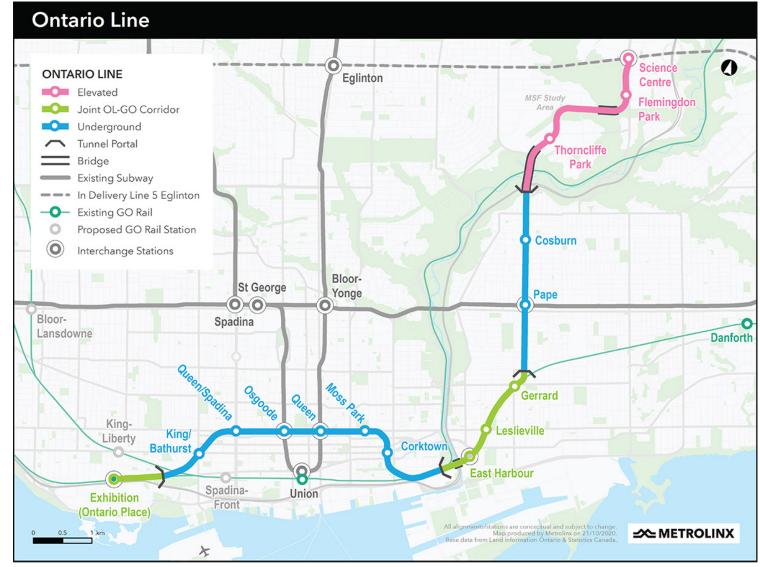


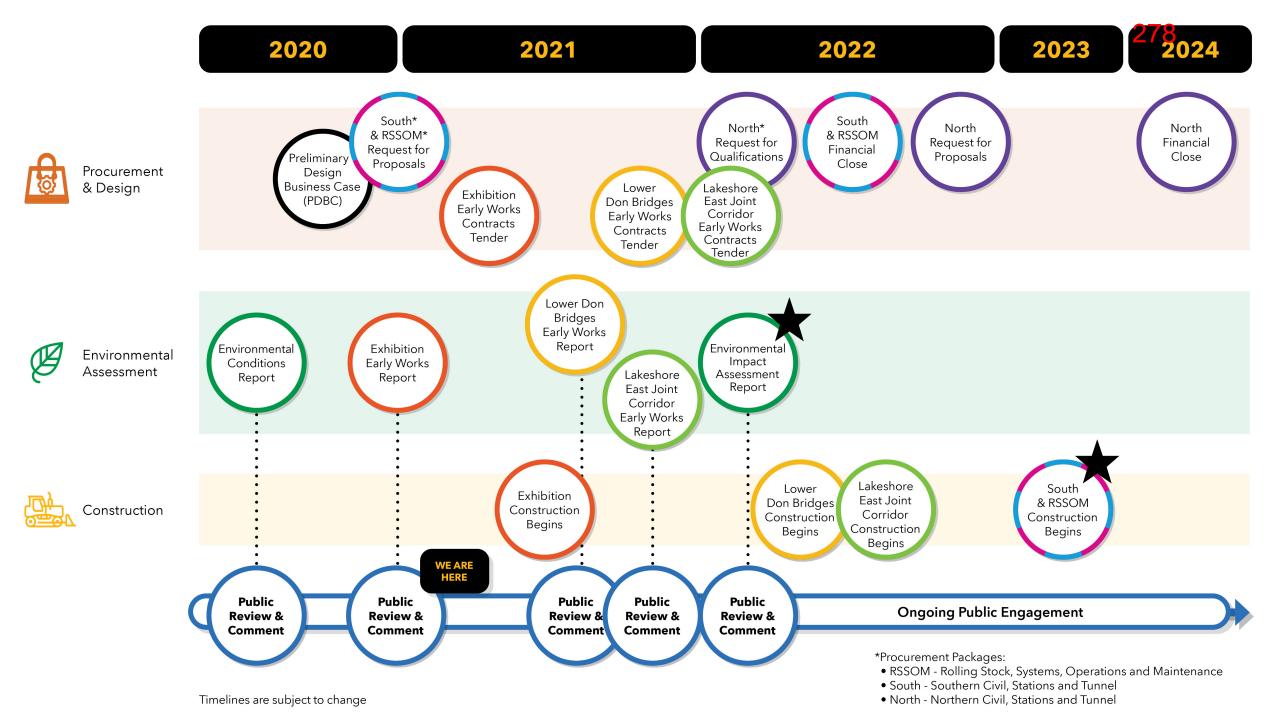
Agenda

- Safety Moment
- Introductions
- Project Update
- Station Entrances: Key Criteria and Alternatives Considered
- Reference Concept Design
 - Station Design
 - Construction
 - Operations
- Environmental Assessment: Heritage & Archeological Studies
- Discussion

Context and Project Status

Ontario Line





Alternatives Considered



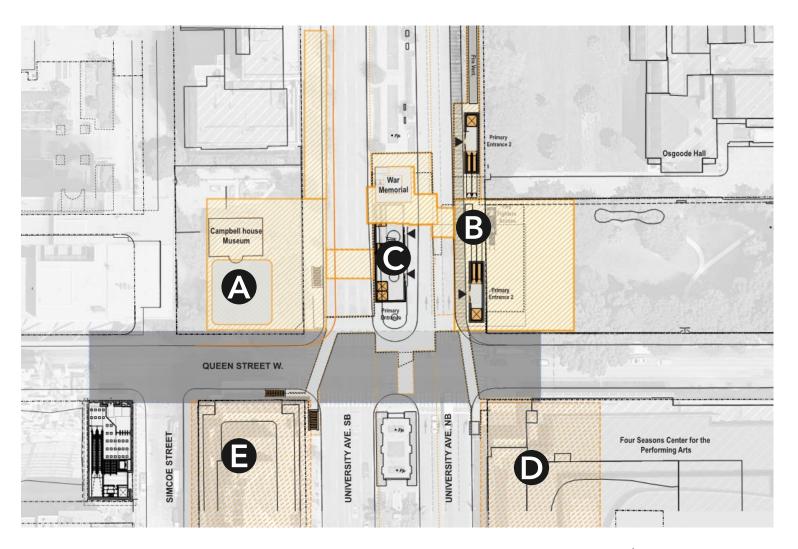
Station Entrances: Key Criteria

Criteria	Description
Constructability	 Large area required to access station cavern, preferably used as entrance when complete Large laydown area adjacent to excavation to stage multiple concurrent construction activities
Station Capacity and Circulation	Meet fire code requirements
Surface Transit Connectivity	Provide a high quality transfer between station and streetcar service
Cultural and Natural Heritage	 Minimize and/or mitigate impacts to built heritage features Minimize and/or mitigate impacts to green spaces
Utilities and Traffic	 Avoid excavations within the street to limit disruptive utility relocations and long-term street closures
University Park (TO Core)	Do not preclude future University Avenue redesign
Costs	Reduce construction, property, and operation & maintenance costs



Alternatives Considered

- A. Campbell House
- B. East Side Boulevard
- C. Median
- D. Four Seasons
- E. SW Corner



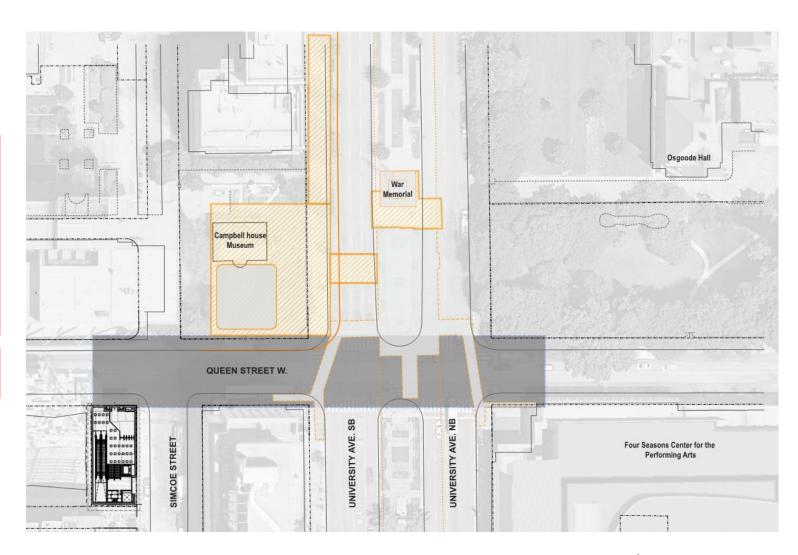


Option A | Campbell House

Main station entrance building on NW corner in property currently occupied by the Campbell House

Challenges:

- Demolition of Campbell House
- Insufficient laydown area
- Emergency access issues
- Poor streetcar transfer
- City preference for Osgoode Hall



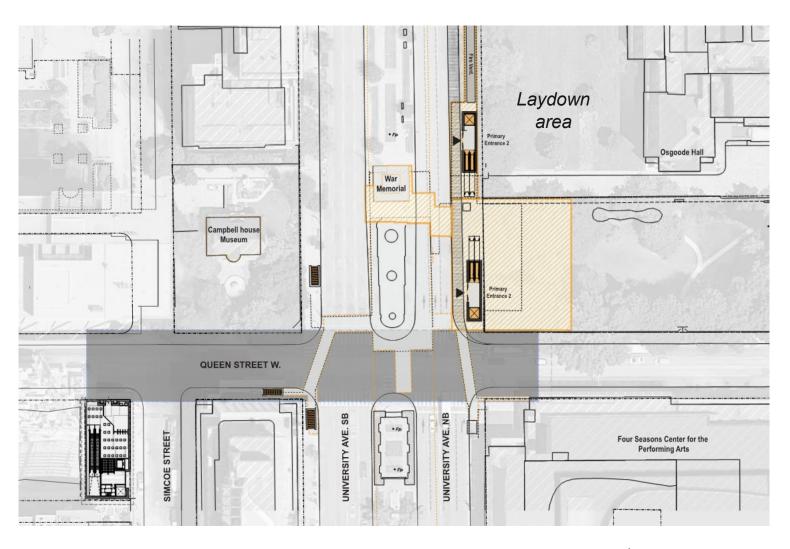


Option B | East Side Boulevard

East entrances accommodated in the east side University Ave boulevard

Challenges:

- Keyhole and laydown area still required in Osgoode Hall lands
- Poor streetcar transfer
- Wayfinding
- Sidewalk congestion, potential vehicle lane closure

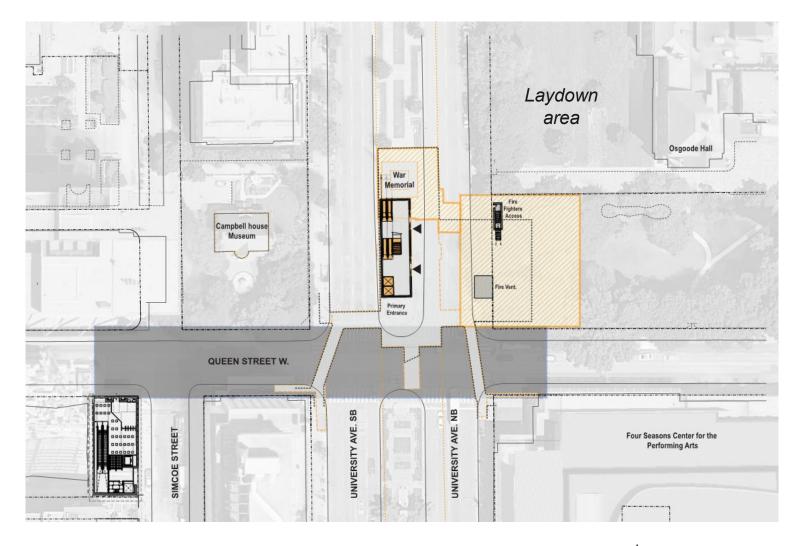


Option C | Median

Entrance in north-side University Ave median

Challenges:

- Keyhole and laydown area still required in Osgoode Hall lands
- Poor streetcar transfer
- Difficult for pedestrians to access – all users must cross University Ave
- Conflict with University Ave redesign (TO Core)
- Permanent relocation of War Memorial

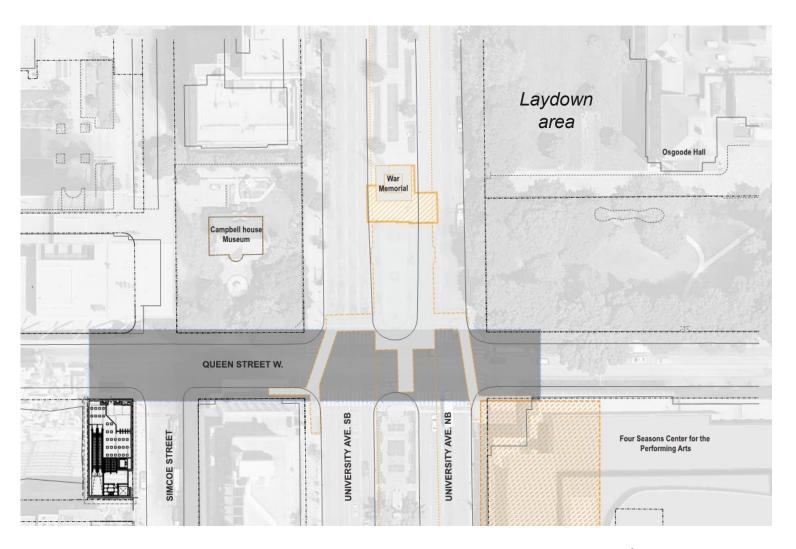


Option D | Four Seasons

Retrofit Four Seasons entrance

Challenges:

- Insufficient construction and laydown area
- Technical feasibility, full reconstruction of Four Seasons Centre
- Capital cost

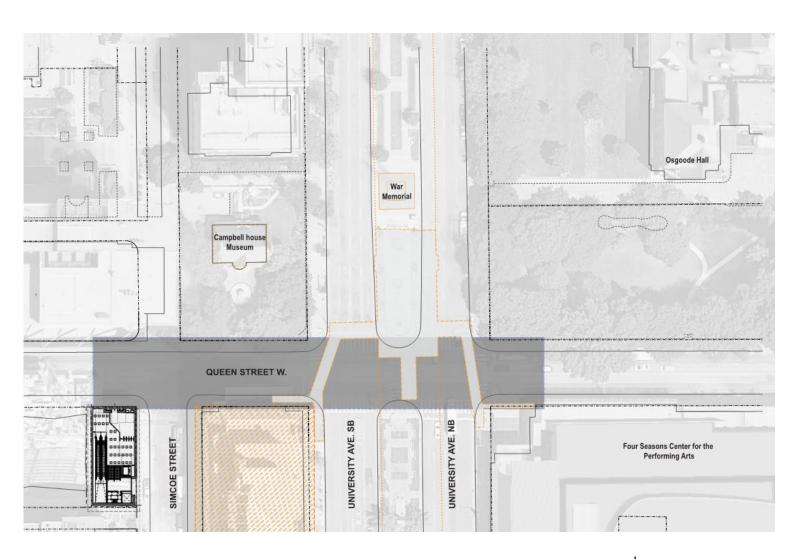


Option E | SW Corner

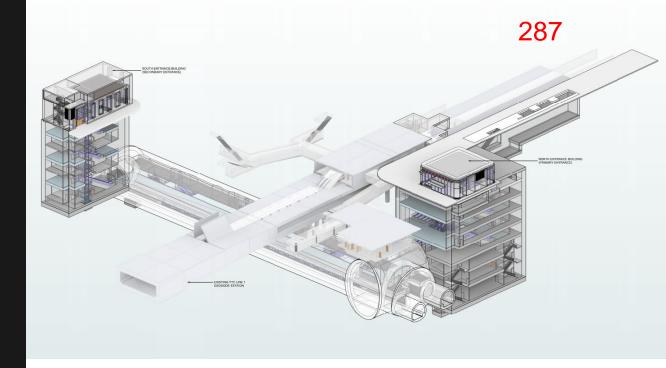
Integrate new entrance at southwest corner into existing heritage building.

Challenges:

- Active development application
- Insufficient construction and laydown area, high risk construction
- Emergency access issues
- Poor streetcar transfer



Reference Concept Design

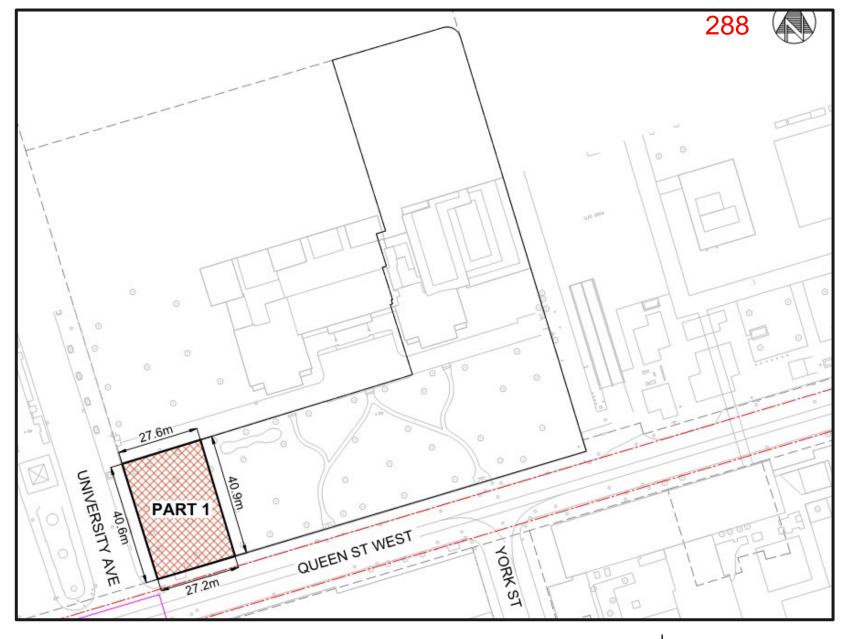


- · Station Design
- Construction
- Operations



130 Queen Street West Fee Simple

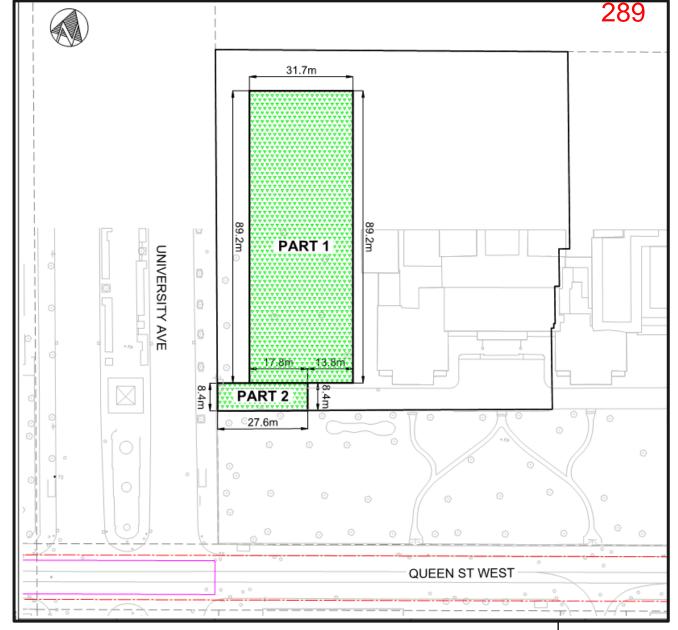
Permanent surface taking for keyhole and station entrance.







130 Queen Street West Temporary Easement











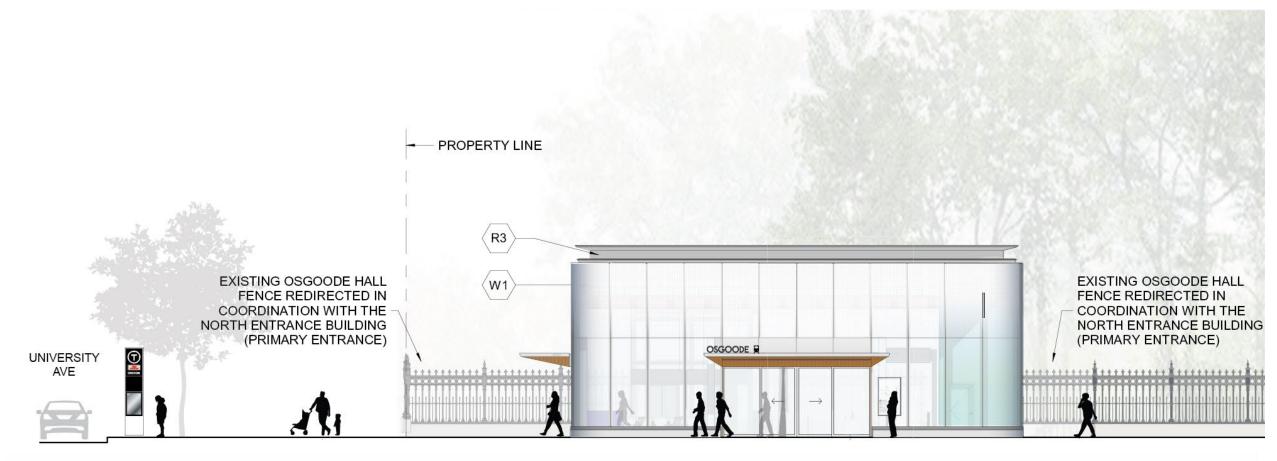
Infrastructure

Ontario



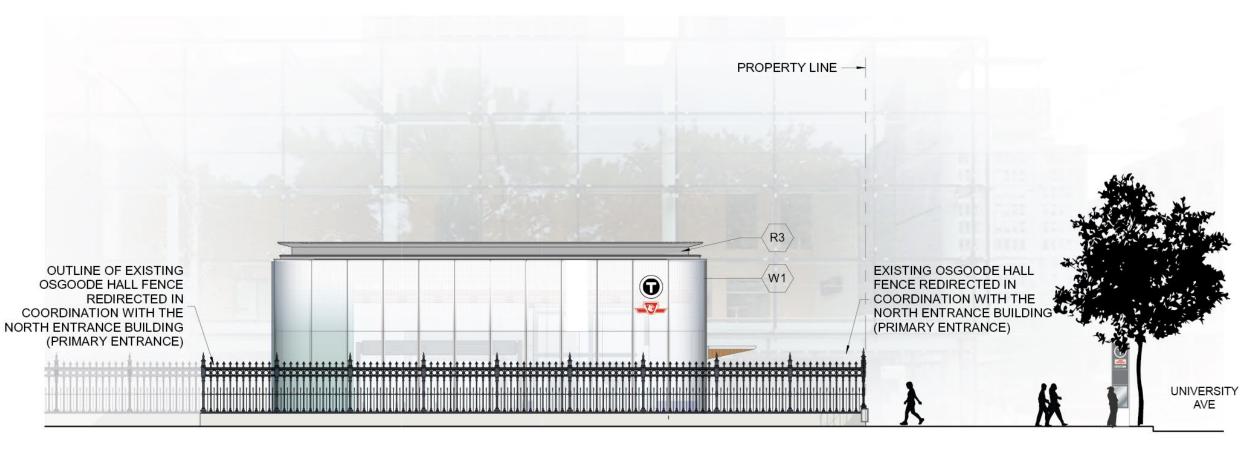
Indicative: based on RCD, subject to change





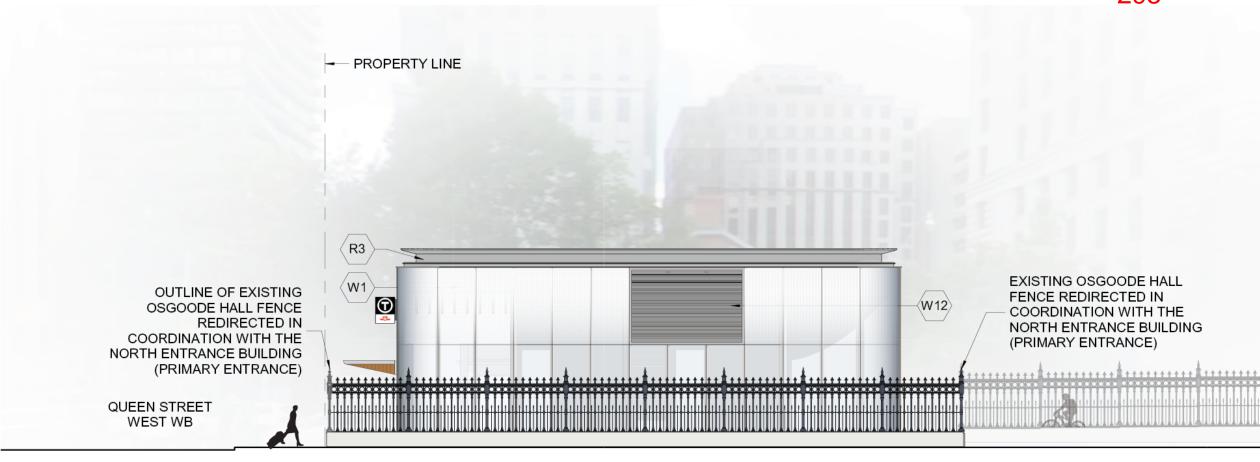
Indicative: based on RCD, subject to change

2 NORTH ENTRANCE BUILDING - SOUTH ELEVATION



Indicative: based on RCD, subject to change





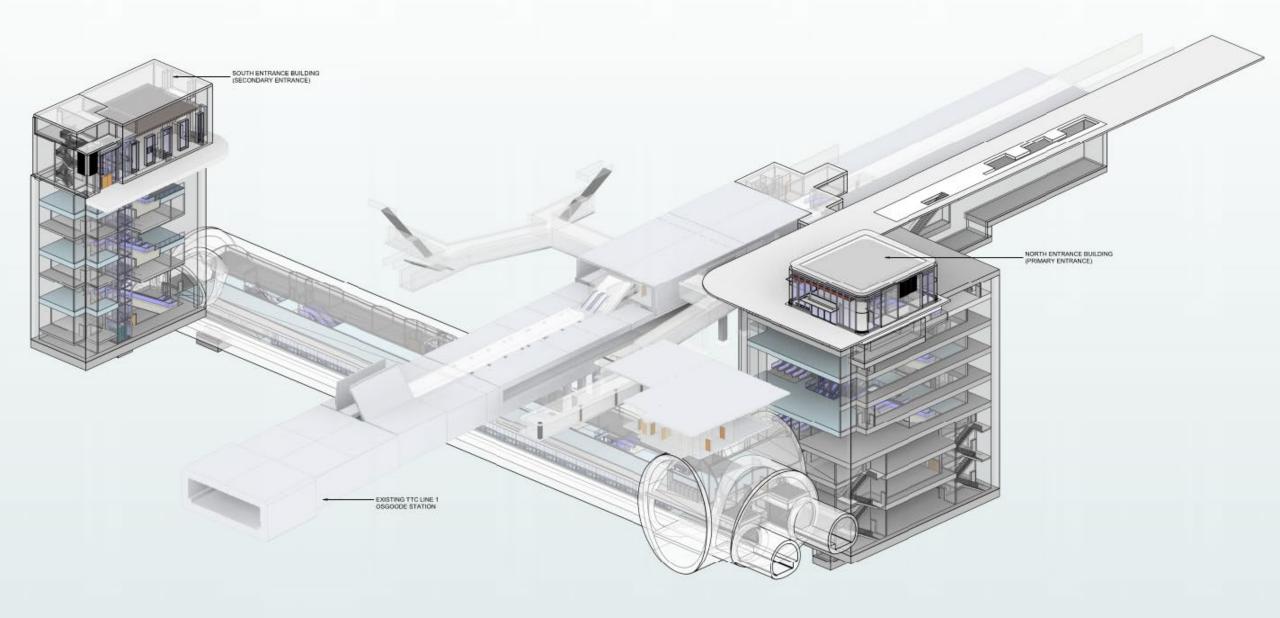
Indicative: based on RCD, subject to change

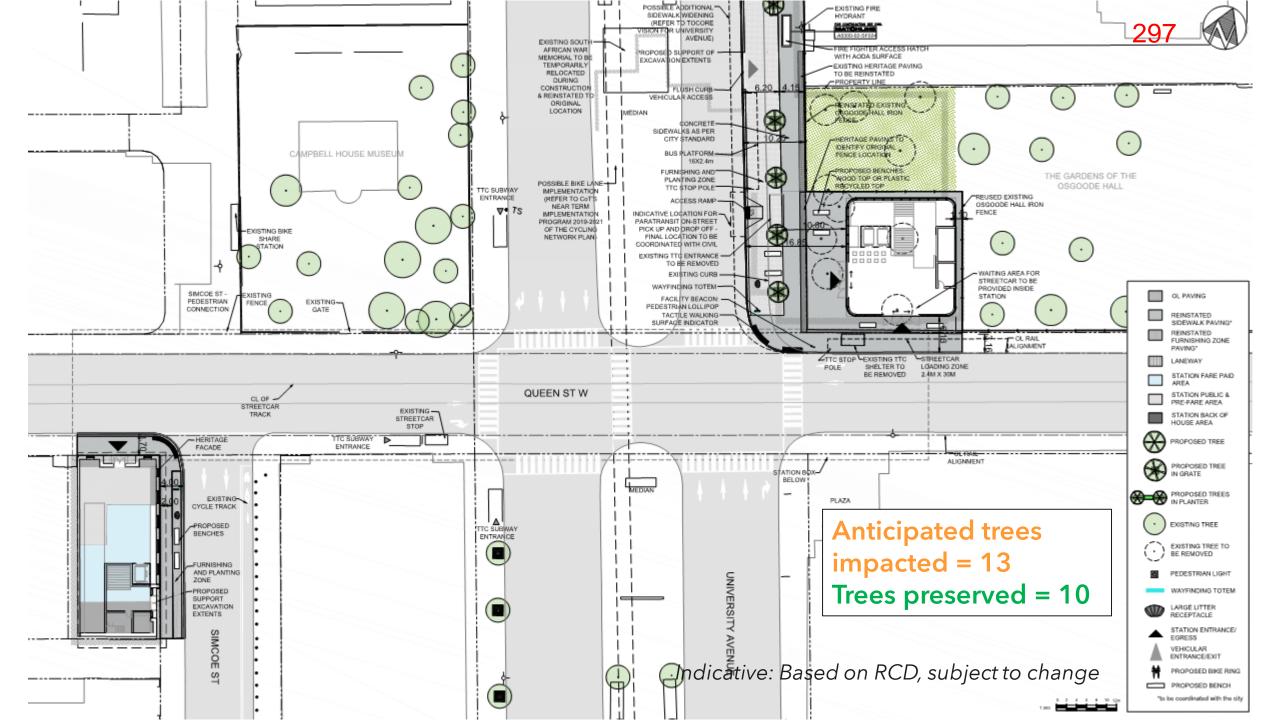


NORTH ENTRANCE BUILDING - EAST ELEVATION

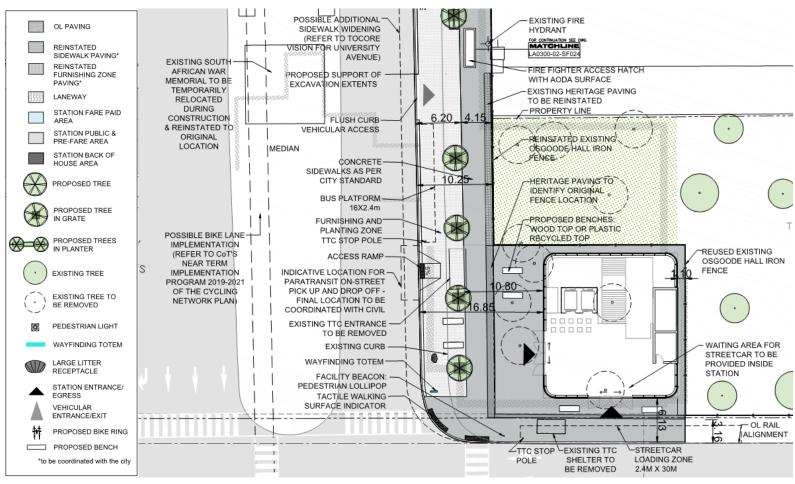
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Indicative: based on RCD, subject to change





Landscape Plan

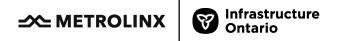


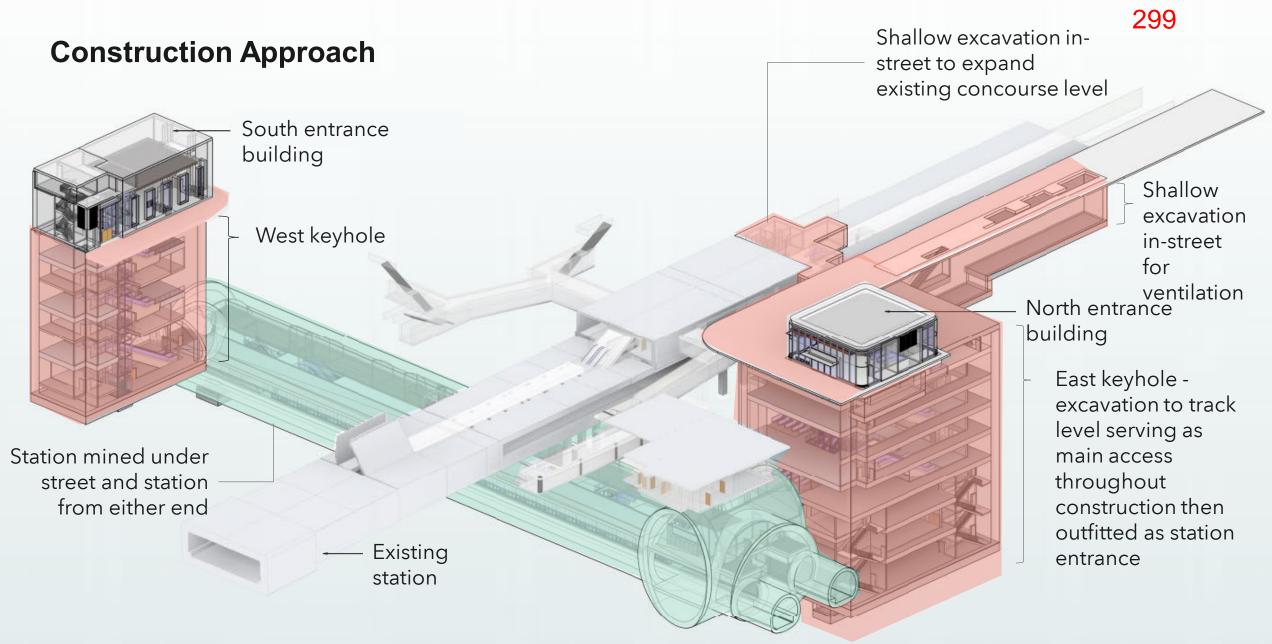
Based on RCD, subject to change

Impacted features will be reinstated where possible.

Key changes:

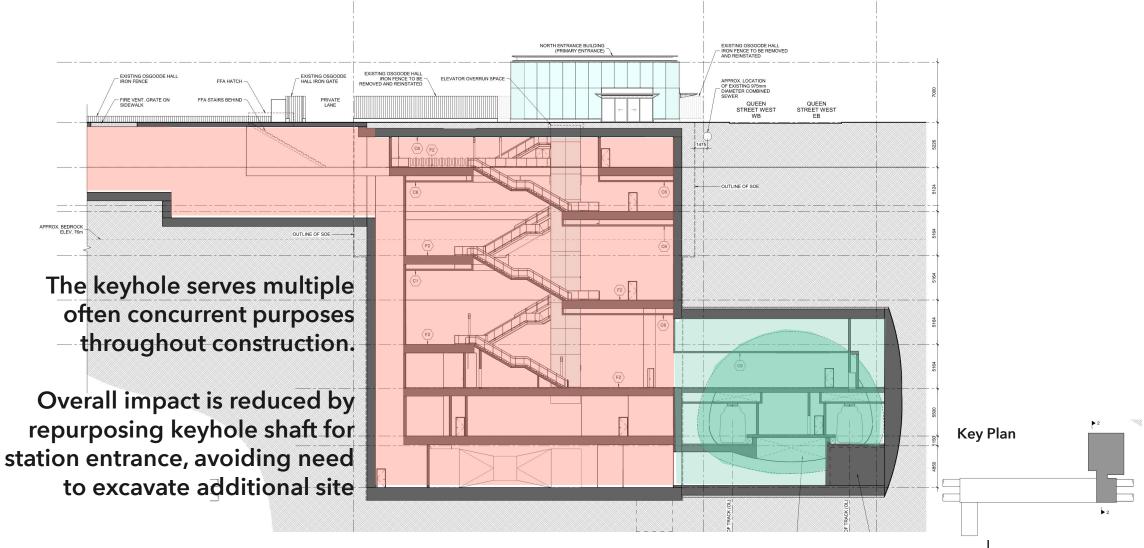
- Reinstate fence around rear of entrance building
- Replace removed or injured trees (see mitigation section)
- Opportunity for setback from street to alleviate sidewalk congestion (to be confirmed through detailed design)





300

Based on RCD, subject to change



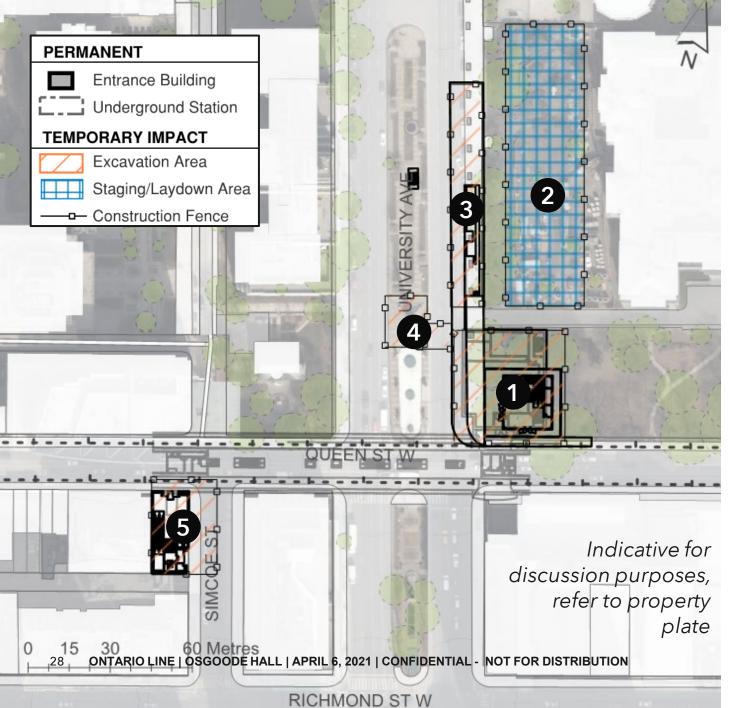


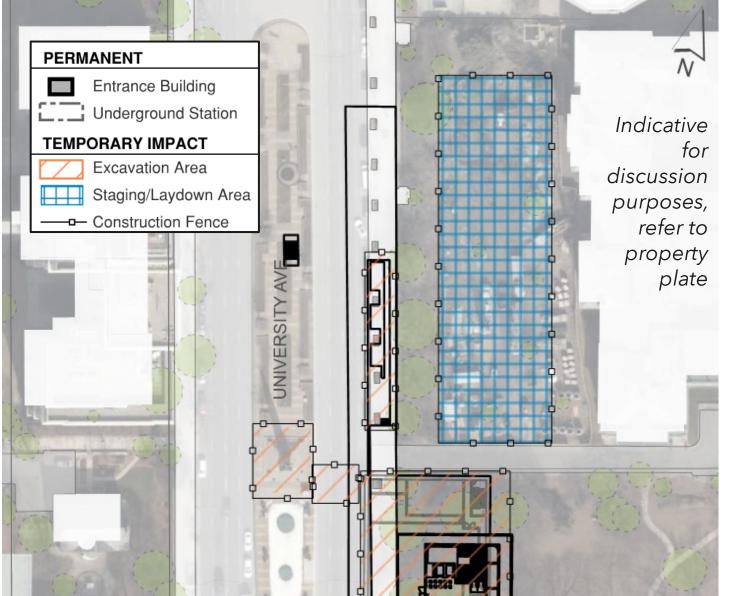
- Main Keyhole and Entrance
 - Serves as primary access to track level for construction and then outfitted for main station entrance when complete
- 2 Laydown Area
 - Materials storage, spoils storage and removal, staff facilities, offices, staging, tunnel boring machine extraction
- 3 Ventilation Shaft
 - Excavation to install ventilation
- 4 TTC Concourse Expansion
 - Shallower excavation to expand existing TTC concourse level, shorter term duration
- 5 Simcoe Entrance
 - Serves as secondary access to track level for construction and then outfitted for secondary entrance when complete

Corridor between Sites 2 and 3 maintained to limit impact to fence and mature trees.

★ METROLINX







ONTARIO LINE | OSGOODE HALL | APRIL 6, 2021 | CONFIDENTIAL NOT FOR DISTRIBUTION

0 10 20 40 Metres

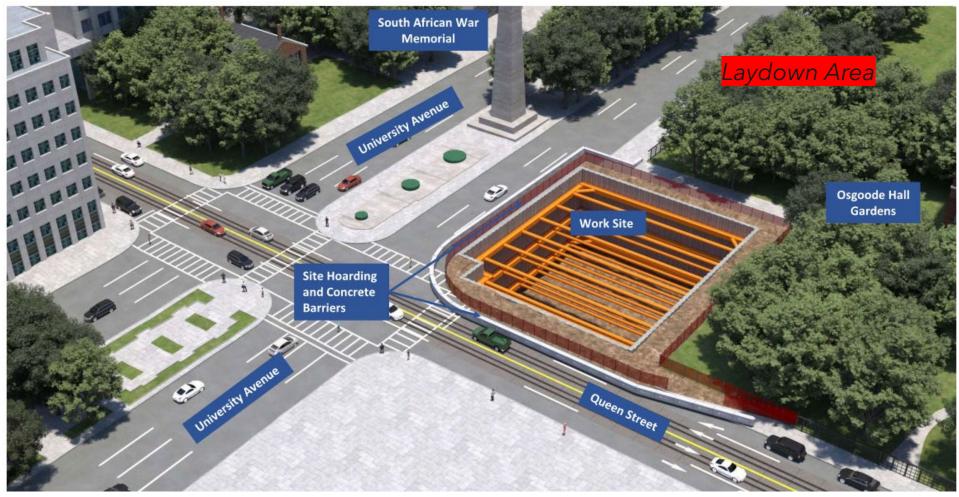
Construction Activities on Osgoode Hall Lands

The excavation and laydown areas on Osgoode Hall lands will host multiple and sometimes concurrent activities for station and tunnel construction. In order of start date:

- Construction of "keyhole" to track level
- **Station cavern construction** main entry and exit point for staff, equipment, materials, and spoils to/from station SEM station cavern
- **Extraction of tunnel boring machines** that launched from Exhibition
- **Tunnel construction** main entry and exit point for staff, equipment, materials, and spoils for SEM tunnel segment to Yonge Street
- **Keyhole Fitout** with below-grade station elements – elevators, escalators, stairs, systems, etc.
- **Station building** capping keyhole with station entrance building, heritage restoration, and landscaping Infrastructure

⇒ METROLINX

Construction

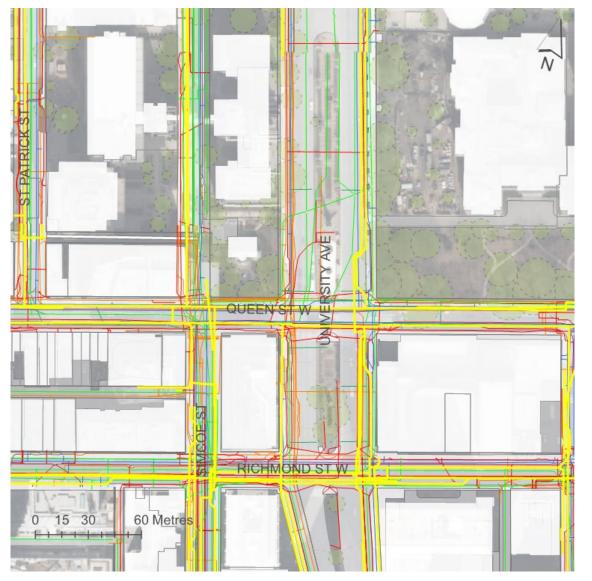


Based on RCD, subject to change

The project will make efficient use of the excavation area by combining station, tunnel, and entrance construction on the same site.

A substantial laydown area adjacent to the site is required to host the complex sequence of works

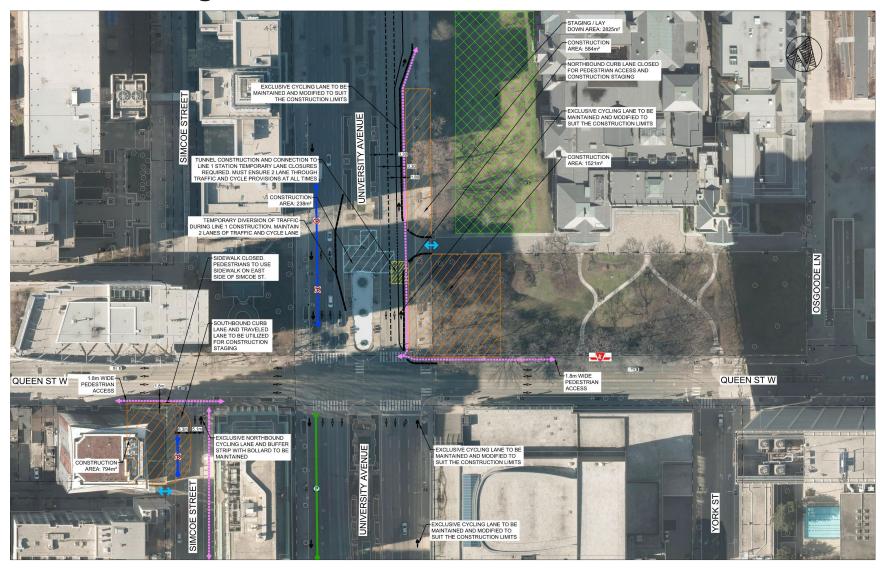
Traffic and Utilities



- University Ave and Queen Street host a number of utilities including gas, water, storm and sanitary sewers, hydro conduits, and communications.
- Both streets are classified as "Major Arterials" to/from/within downtown for all modes.

Mining the station cavern significantly reduces utility and traffic impacts by limiting open excavation to stations and ventilation shafts which can be accommodated mostly off street.

Traffic Management

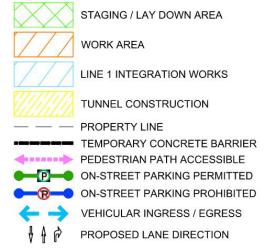


Indicative, subject to change

NOTES

1. WHERE TORONTO TRANSIT COMMISSION (TTC) INFRASTRUCTURE IS IMPACTED BY CONSTRUCTION, IT IS TO BE REMOVED AND/OR RELOCATED TEMPORARILY DURING CONSTRUCTION AND REPLACED POST CONSTRUCTION. COORDINATION WITH TTC REQUIRED.

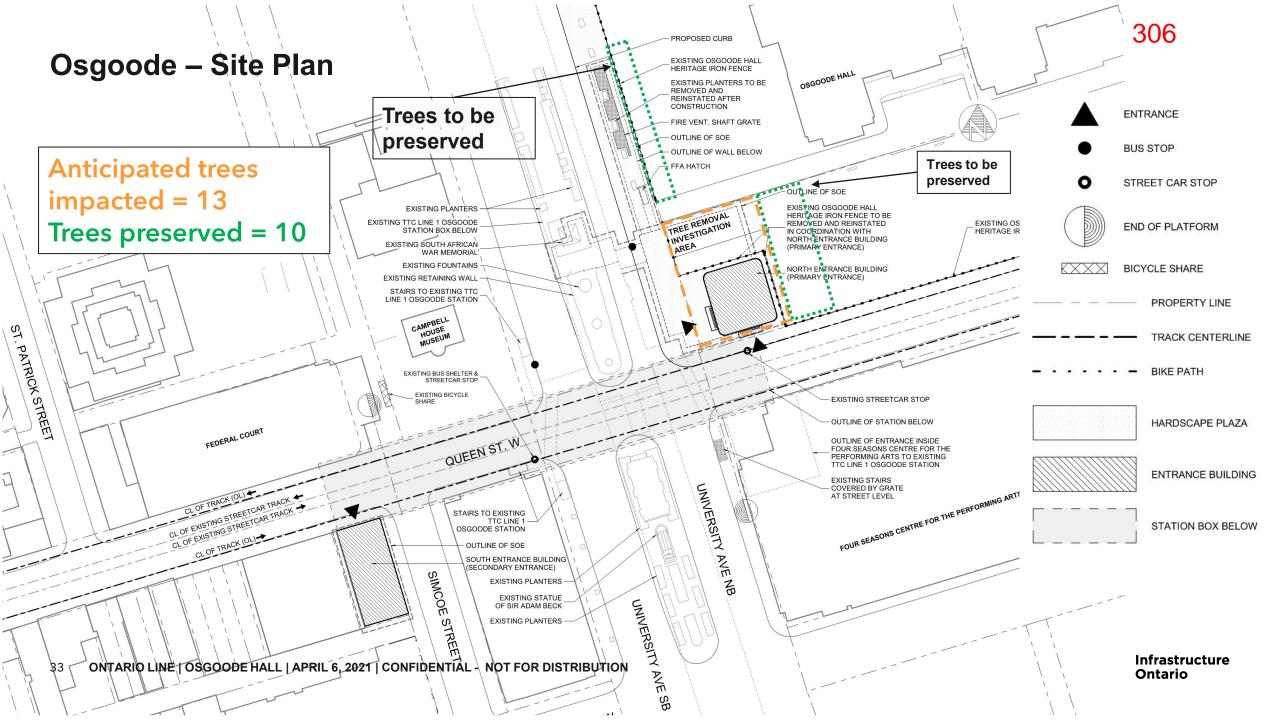
LEGEND



Indicative for discussion only, to be confirmed by ProjectCo in consultation with the City of Toronto







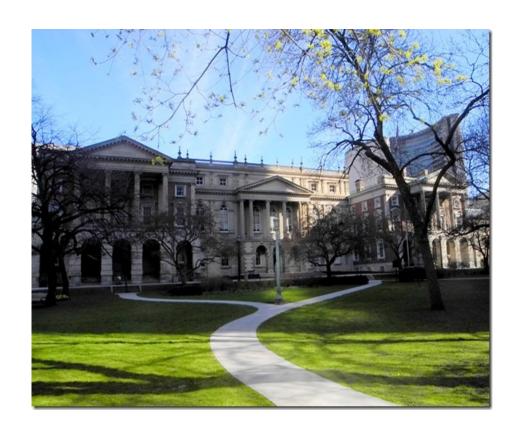




Osgoode Station Heritage and Archeological Studies



Osgoode Station | Minister's Consent



Metrolinx has worked with the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) to obtain Minister's Consent for impacts at Osgoode Hall.

Heritage Attributes anticipated to be impacted include:

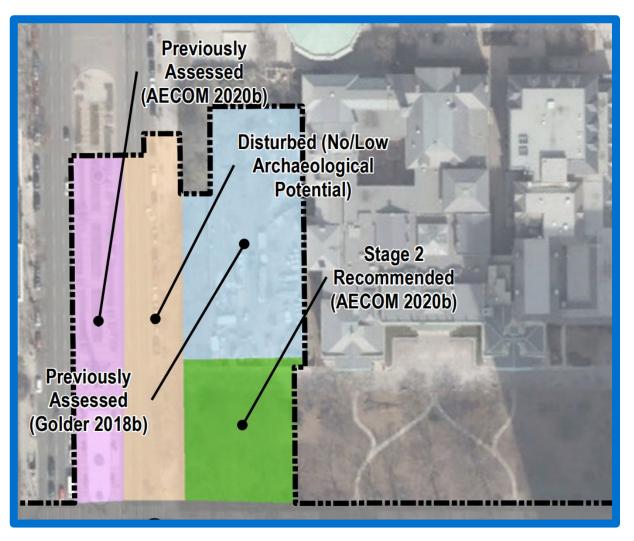
- 1. Temporary removal of portions of the cast-iron fence which will be re-instated post-construction around station entrance building.
- 2. Permanent removal of mature trees at the south west corner of the property to allow for construction of a permanent station entrance building.
- 3. Temporary removal of walkways, formal gardens, lawn, and plantings in the grounds at the front of the property to facilitate construction staging and laydown areas.

Osgoode Station | Cultural Heritage Studies

- Cultural Heritage Report (CHR) in the Environmental Conditions Report (Nov. 2020) identified existing baseline cultural heritage conditions, including an inventory of built heritage resources and cultural heritage landscapes, and completed a preliminary impact assessment with potential mitigation measures
 - Next Step: Heritage Detailed Design Report (HDDR) which is part of the Environmental Impact Assessment Report to be released for public review and comment in early 2022.
 - The HDDR will refine the range of impacts and mitigation measures from the CHR based on the updated design and will include conditions from the Minister's Consent for Osgoode Hall.
- Metrolinx would appreciate any additional information from LSO that can be provided on the cast-iron fence restoration previously commissioned by LSO.



Osgoode Station – Archaeology



- Ontario Line Stage 1 Archaeological Assessment Report–South conducted in 2020. (Report on file with MHSTCI)
 - Next Step: Stage 2 archaeological assessment is required for a portion of the Osgoode Hall property owned by the LSO.
 - Fieldwork (test-pits) targeted for completion this field season.
- Prior to undertaking the Stage 2
 archaeological assessment, a Pre Construction Conditions Assessment will be
 completed to formally document conditions
 on site.
- Metrolinx will be seeking a Permission to Enter (PTE) agreement with the LSO for additional archaeological studies at this location.

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Osgoode Station | Minister's Consent Conditions

Metrolinx is working to meet the conditions of the Minister's consent, which include:

Station entrance design:

- Design the above ground portion of the station to have minimal visual intrusion to the Osgoode Hall buildings.
- Consult with City of Toronto HPS, LSO and IO's Heritage Projects team to achieve design that is visually compatible with and distinguishable from the provincial heritage property.
 - Metrolinx will continue to engage the City of Toronto HPS and LSO on design at this location for review and comment through working sessions

<u>Documentation (Osgoode Hall grounds):</u>

- Pre-Construction Conditions Assessment: to be completed prior to ground disturbing activities to fully document the grounds (including cobble stone driveway, berms, formal gardens, open lawn areas and inventory of trees and plantings)
 - Prior to the completion of this assessment, Metrolinx will be seeking a PTE Agreement with LSO.
- Landscape Management Plan: outline mitigation measures during construction, strategy for mature trees, and a plan for post construction restoration.

Osgoode Station | Minister's Consent Conditions (continued)

Metrolinx is working to meet the conditions of the Minister's consent, which include:

Documentation (Built Structures):

• Documentation of fence is required prior to removal. The documentation will follow the standards of the National Park Services' Historic American Engineering Record.

Removal and Reinstallation of Built Structures/Features:

- The dismantling and reinstatement of the fence shall be done under direct supervision of a Qualified Person with knowledge and experience metal and stone/masonry.
- Commitment to avoid, to the greatest extent possible, impacts to the fence, striving to remove only the necessary portions.
- Commitment to work with the LSO and IO Heritage Projects team to coordinate restoration work for the removed and restored portions of the fence.
- Prior to construction activities, protective hoarding, barriers, or material will be placed around portions
 of the retained fence, entrance gates and/or any landscape elements.

This is Exhibit "F"
referred to in the Affidavit of Diana Miles,
affirmed February 7th, 2023,
in accordance with O. Reg. 431/20,
Administering Oath or Declaration Remotely

Manne Chowdhury

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury



Barreau de l'Ontario

Osgoode Hall 130 Queen Street West Toronto, Ontario M5H 2N6 https://www.lso.ca Treasurer's Office 416-947-3300 1-800-668-7380 <u>treasurer@lso.ca</u>

April 9, 2021

The Hon. Lisa MacLeod, M.P.P. Minister of Heritage, Sport, Tourism and Culture Industries 438 University Avenue 6th Floor Toronto, ON M7A 1N3

Dear Minister MacLeod,

The Law Society of Ontario has recently been advised by Metrolinx of their application and receipt of a Minister's Consent to facilitate the construction of a new Osgoode Station for the planned Ontario Line that would significantly impact on designated heritage property. I am writing to express the Law Society's grave concern about the process to date and the project plan itself.

Respectfully, we have three requests: First, that you convene a meeting as quickly as possible with the appropriate Provincial officials to establish agreement on a collaborative and consultative approach to manage this issue going forward; second, that you kindly provide to the Law Society the terms and conditions upon which you provided Minister's Consent, and; finally, that you reconsider the conditional Minister's Consent you have issued, pending further due diligence, detailed investigation and peer review of all alternative sites.

The Osgoode Hall building, grounds and the heritage fence are designated under Part IV of the *Ontario Heritage Act*, and as a National Historic Site of Canada. As custodians of a site of such iconic import, we are cautiously optimistic that the conditions you have placed on the consent will ensure a full examination of alternatives and impacts, that in our view has been woefully inadequate to date.

Representatives from the Law Society and the Courts were first advised of Metrolinx's plans at an informational meeting on February 12. Following this meeting, both the Law Society and the Chief Justices of the Courts registered significant concerns about the impacts of this proposal, which would alter and compromise the integrity of the character-defining elements of Osgoode Hall's heritage designation. The response received back from Metrolinx did not respond to the concerns raised or address requests for detailed information or investigation of other sites. Copies of this correspondence are attached for your perusal.

It was surprising to learn at the second meeting on April 6 that Metrolinx has proceeded with the application for Consent without including our strong objections or permitting us to make our own and direct submission.

As you may be aware, the impacts of the Metrolinx plan are significant. They include, but are not limited to: the development of a structure that will interfere with the heritage aspects of the property, buildings and public views; removal and reinstallation of the 1867 heritage fence, an iconic landmark, to a new configuration around the station; the permanent removal of greenspace and a significant number of trees on the Osgoode Hall property; disruption to the surrounding grounds, and Court and Law Society operations, due to staging and construction impacts.

It is both shocking and disturbing that a location that has been preserved with care for centuries in the heart of Downtown Toronto would be considered for such a plan. It is our position that further diligence, detailed investigation, and peer review of all alternative sites is required before proceeding with a plan that would significantly affect the integrity of this important heritage resource and green space. As stewards of this heritage site it is our responsibility to pursue all reasonable options to lessen or eliminate the impacts and preserve one of Ontario's and Canada's most significant and protected assets.

We are committed to collaboration to find a solution and hope that you will offer your support to these efforts. We look forward to your response and hope that a meeting with the appropriate officials can be quickly convened.

Yours truly,

Teresa Donnelly

Treasurer

Copies:

The Hon. Doug Downey, M.P.P., Attorney General

The Hon. Caroline Mulroney, M.P.P., Minister of Transportation

The Hon. Laurie Scott, M.P.P., Minister of Infrastructure

The Hon. George R. Strathy, Chief Justice, Court of Appeal for Ontario The Hon. Geoffrey B. Morawetz, Chief Justice, Superior Court of Justice

Mayor John Tory, City of Toronto

Diana Miles, Chief Executive Office, Law Society of Ontario

Attachments:

Correspondence From:
Diana Miles to Phil Verster
Phil Vester to Diana Miles
Chief Justices to Phil Verster
Treasurer Donnelly to Mayor John Tory

This is Exhibit "G" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

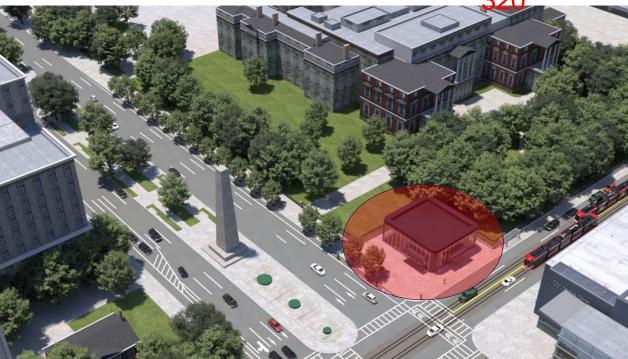
Mannu Chowdhury

Options for Ontario Line Osgoode Station



Metrolinx's Proposal

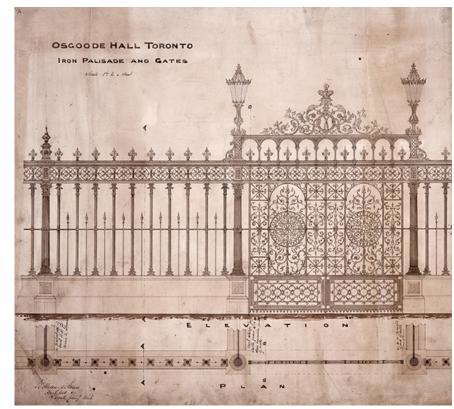




- Disregards the provincial and national heritage designations of the Osgoode Hall site
- If these designations cannot protect a site like Osgoode Hall, what value do the Ontario Heritage Act and the Historic Sites and Monuments Act hold?
- Loss of valuable downtown park space and mature trees

Heritage Value

- Osgoode Hall's fence was completed in 1867, the same year that Canada was founded
- The entire Osgoode property was designated a National Historic Site of Canada on November 15, 1979 (Historic Sites and Monuments Act (R.S.C., 1985, c. H-4)
- Designated under Part IV of the **Ontario Heritage Act** on September 10, 1990 (By-Law 477-90):
 - The Law Society portion of the Osgoode Hall property, including its fence and grounds
- Osgoode Hall is a Provincial Heritage Property of Provincial Significance
- Views of Osgoode Hall from Queen and University are protected as part of the Toronto Official Plan



Osgoode Hall, Iron Palisade and gates, [ca. 1856]-1866 J. C. B. and E. C. Horwood Collection. C 11-702-0-3(649), Archives of Ontario, AO9130



The Green Ash

- The Green Ash (100+ years old) is one of the largest remaining Ash trees in the City of Toronto
- The project will require cutting at least 12 Mature trees (50+ years, some older) and 14 smaller trees





New York City (Metropolitan Transportation Authority)

Why is Metrolinx building single storey monuments in a high-density downtown core? Why is a suburban model being applied to downtown Toronto?

	Toronto	New York City
Subway ridership #		2.38 million
Bus ridership #	1.6 million	1.17 million
Total	1.6 million	3.55 million

New York Ridership Numbers in July:

Subway including Staten Island Railway

Date	Total Estimated Ridership	% Change From Pre-Pandemic Equivalent Day
Sunday, 7/25/21	1,361,966	-44.1%
Saturday, 7/24/21	1,849,513	-39.4%
Friday, 7/23/21	2,553,195	-52.0%
Thursday, 7/22/21	2,584,053	-53.6%
Wednesday, 7/21/21	2,506,644	-55.2%
Tuesday, 7/20/21	2,464,583	-53.3%
Monday, 7/19/21	2,332,240	-53.9%
Sunday, 7/18/21	1,405,262	-35.5%
Saturday, 7/17/21	1,717,399	-35.1%
Friday, 7/16/21	2,541,067	-51.2%



Times Square



Chicago (Chicago Transit Authority)

Toronto compared to a major city with similar population and density



	TORONTO	CHICAGO
Population	2,956,024	2,679,080
Density	4,149.5/km2	4549.4/km2
Number of subway lines	4 (plus 2 under construction)	8
Kilometers of subway	76.9	165.4
Number of stations	75	145



Revising Ridership Growth Assumptions

Impact of widespread and permanent post-pandemic work models:

- more remote workers
- hybrid workers
- flexible hours

https://www.benefitscanada.com > news > city-of-toront... ▼

City of Toronto pivoting to permanent hybrid work model

https://www.linkedin.com > pulse > canadas-top-companie...

At Canada's top companies, the future of work is (mostly) flexible

https://financialpost.com > fp-work > lower-density-and... ▼

Lower density and less foot traffic: What hybrid work will mean

Jul. 6, 2021 — Post-pandemic work models could cost cities' downtown districts ... some



"The usual nine-to-five travel pattern may be a thing of the past as schools and office turn to hybrid workplaces..."

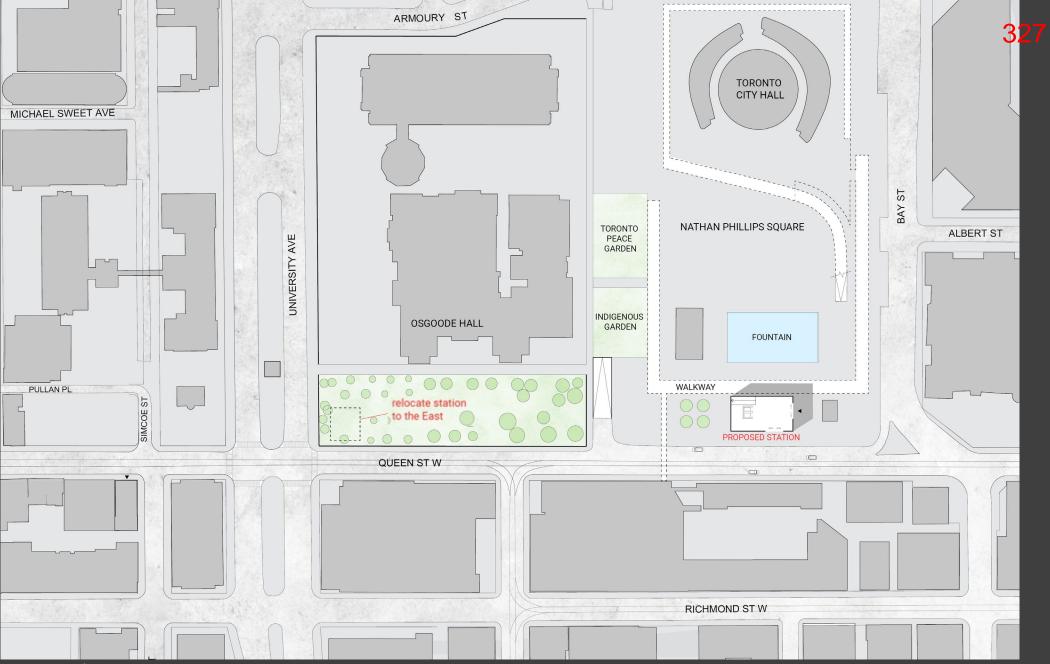
"Business appointments and other workrelated conferences are anticipated to increase, so customers will travel during times outside the usual nine-five pattern."

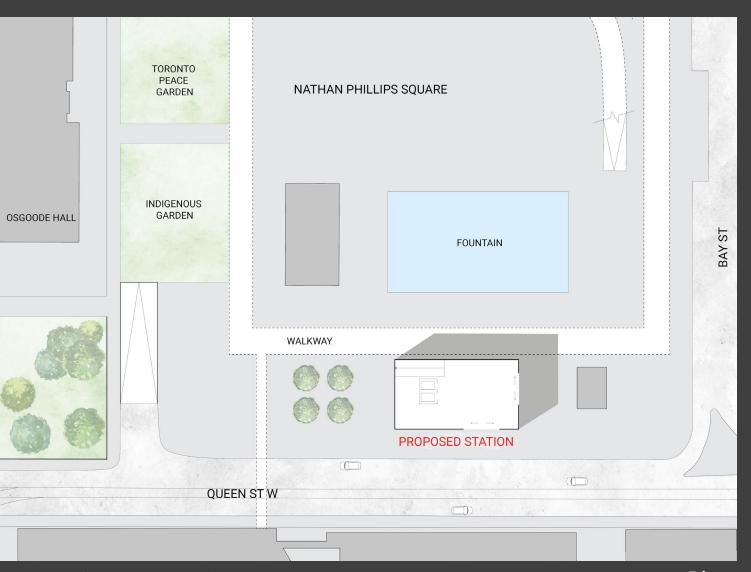
"Riders may work a combination of home and the office, stagger their work hours to avoid peak times and use public transit more to see family and friends."

Metrolinx News, July 6, 2021

Opportunities



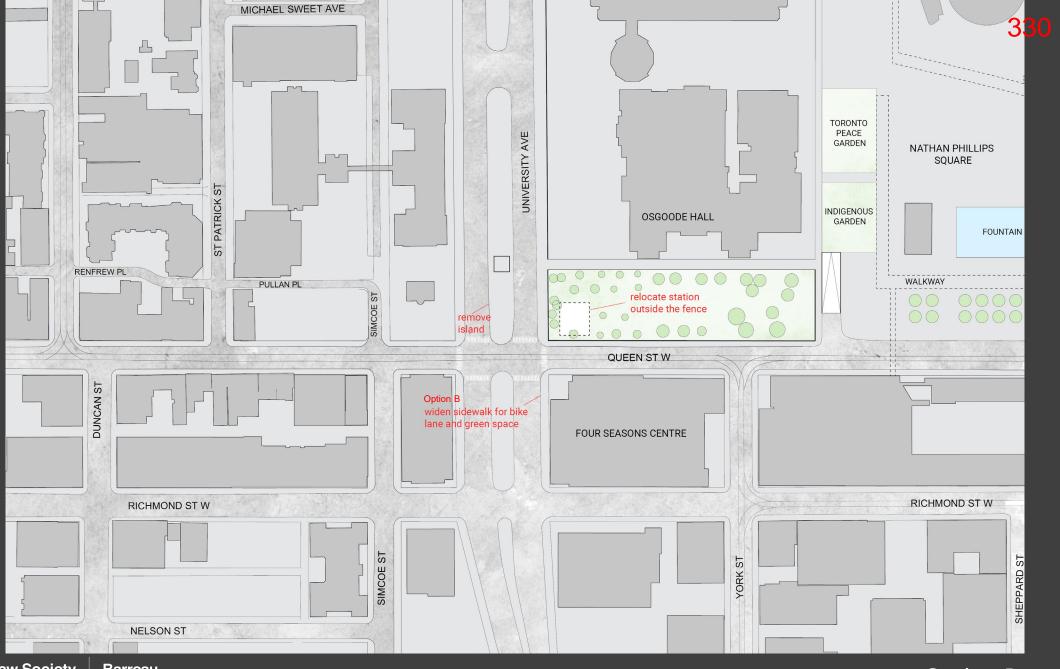


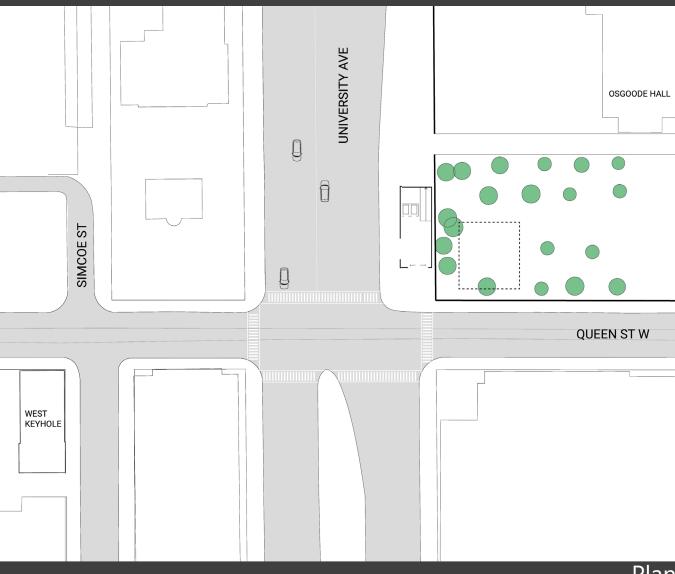


- Ease of access to Bay Street and Nathan Phillips Square
- Ease of connection to underground PATH and underground parking garage
- Enough space for 50% larger station size than Metrolinx proposed
- Opportunity to consolidate Osgoode and Queen station to one larger showcase station
- Avoid costs associated with delays due to archeological site work, and construction adjacent to the Court of Appeal for Ontario







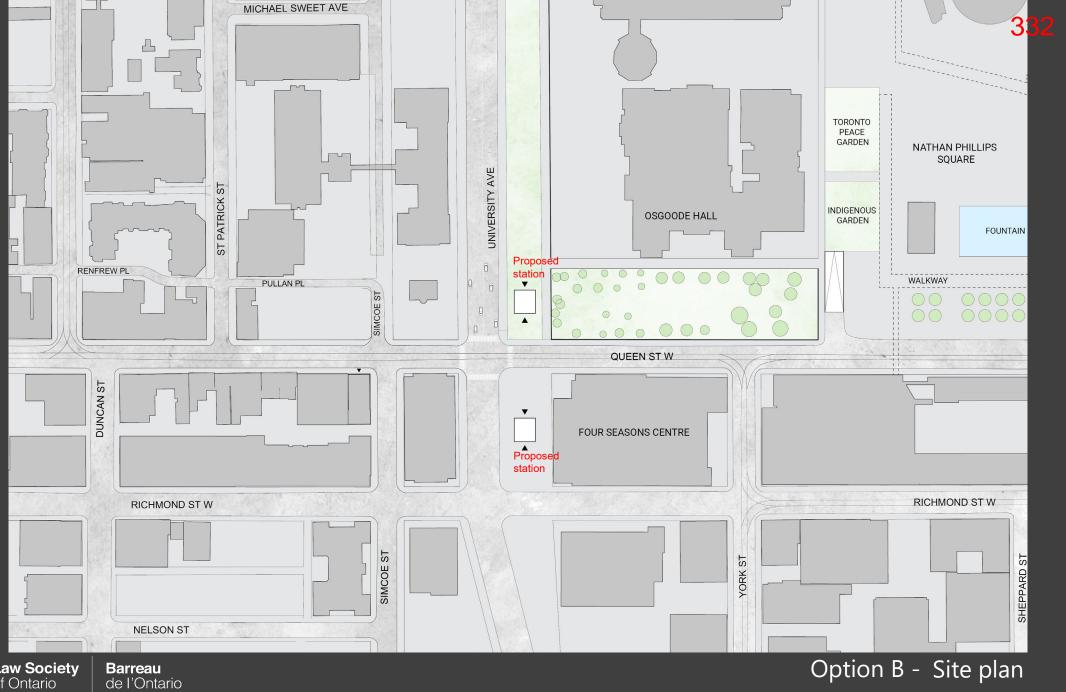


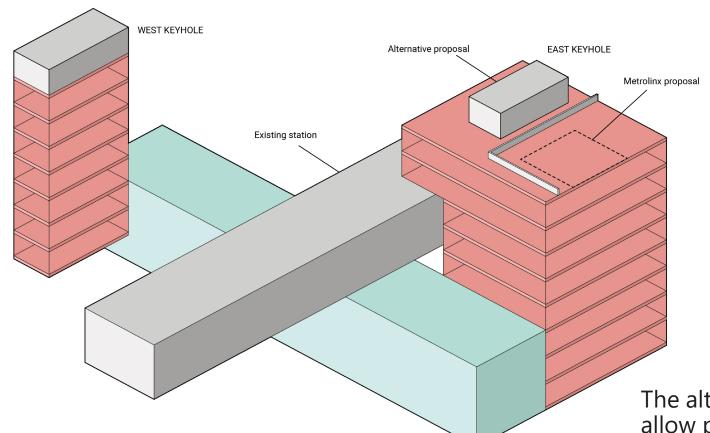
- Widened sidewalk provides space for accessible station design
- Extra space can be used for bus drop off, bike racks, waiting area



Copley Station - Boston

Plan







New York City - Lincoln Center subway station

The alternative proposals allow pedestrians to access the East keyhole by entering the station outside of the Osgoode Hall fence

University Park



Act as a catalyst to the University Park project

UNIVERSITY AVENUE LOOKING NORTH TOWARDS QUEEN'S PARK: BEFORE AND AFTER

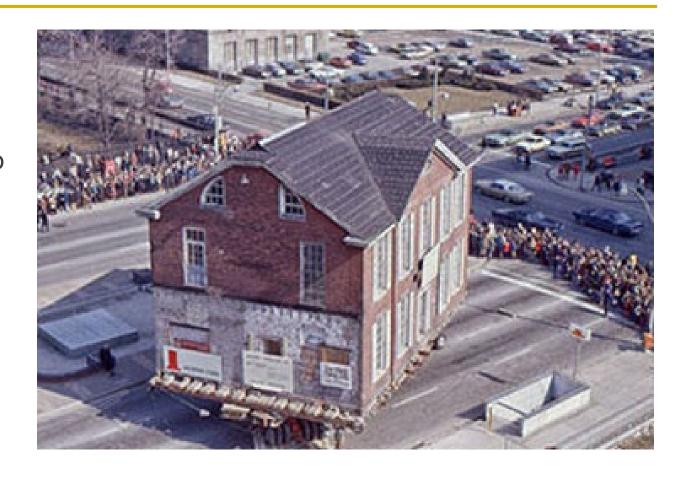




Preserve designated park land and protect a provincial and national heritage site

Campbell House - 160 Queen Street West

- Campbell house was moved to its present location in 1972
- Opportunity to relocate the building to a more sympathetic site or integrate the building into an innovative station design
- The potential additional costs associated with this site are temporary in comparison to the permanent loss of integrity to a long standing provincially and nationally designated site



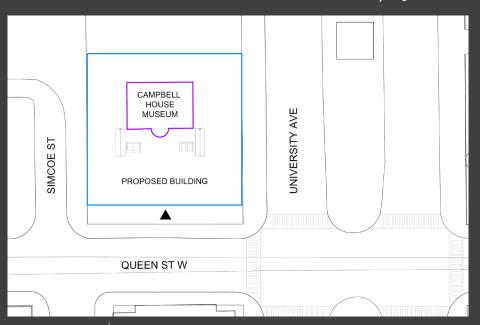








MUSEE NATIONAL DES BEAUX-ARTS, QUEBEC





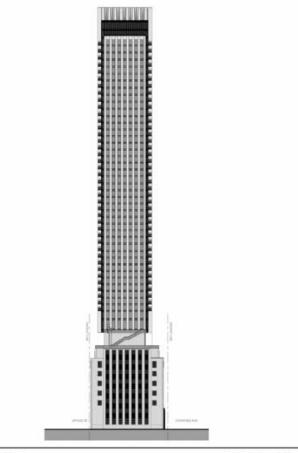
JANE'S CAROUSEL, BROOKLYN NY



STRASBOURG VILLE STATION, FRANCE

205 Queen Street West - 250 University Avenue

- Original location of main Osgoode entrance (Relief Line) & planned Ontario Line station
- Property is already being redeveloped. A direct connection to transit would be an asset to the developers
- Not all station sites have adjacent laydown areas
- Additional ground level pedestrian gathering areas, keyhole entrance or drop off area could be accommodated by closing Simcoe Street

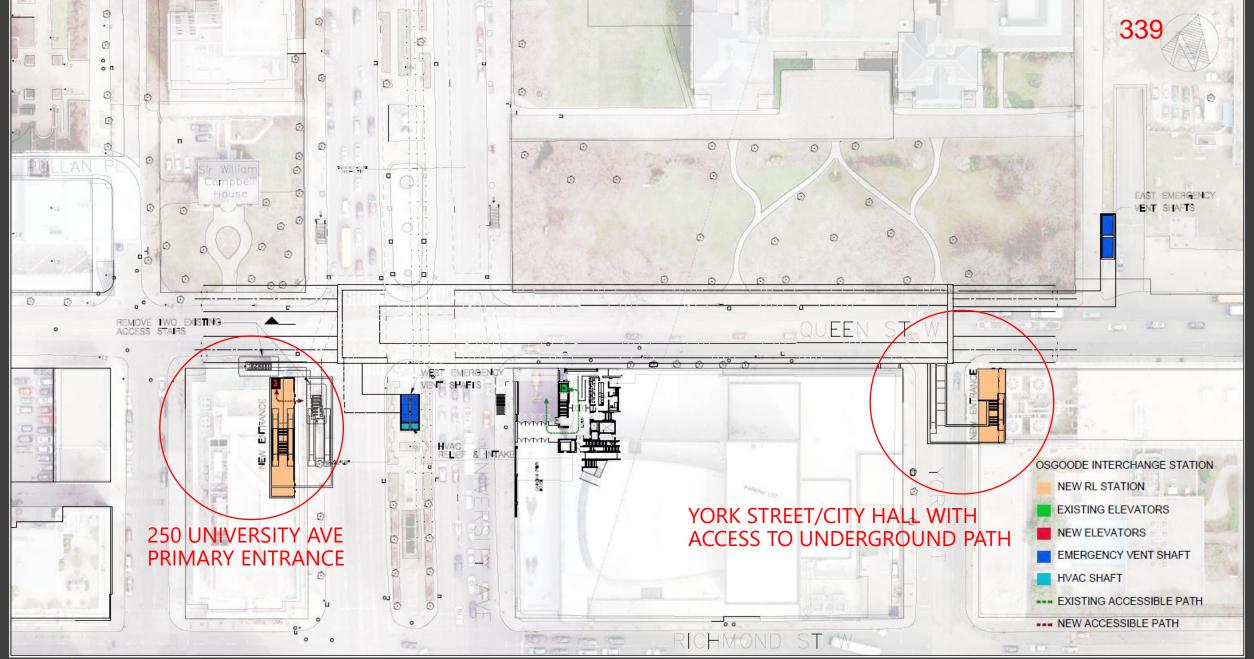


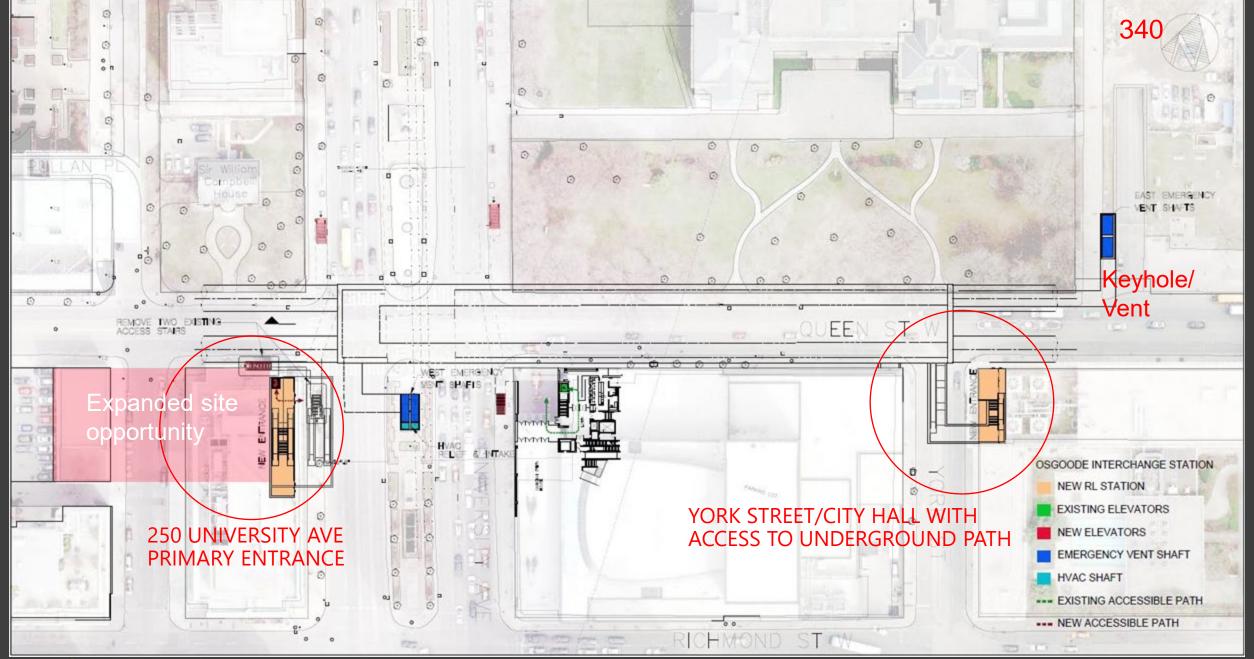


South Elevation

250 University Avenue







Four Season Centre - 145 Queen Street West

- Pre-existing infrastructure for subway access
- Opportunity to involve architect of existing building in the integration of the entrance
- Modern station would be a sympathetic addition to existing building
- No loss of green space or impact to a heritage designated site



This is Exhibit "H" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

November 9, 2021

130 Queen Street West Toronto, ON M5H 2N6

Attention: Ms. Sheena Weir, Mr. Daniel Marentic, Ms. Laura Craig, Mr. Jacob Bakan and Hon. Justice Nordheimer

Dear Law Society of Toronto, Court of Appeal, and Chief Justices' Offices

Sent via email to: EBrunet@lso.ca; sdivince@lso.ca; SWeir@lso.ca; Daniel.Marentic@ontario.ca; jacob.bakan@ontario.ca; Laura.Craig@ontario.ca; lan.Nordheimer@oca-cao.ca

Re: Metrolinx Ontario Line Project ("Ontario Line") - Osgoode Station Entrance at 130 Queen Street West

Thank you for meeting with us on August 9th, 2021 to discuss plans for the Ontario Line Osgoode station. We appreciate your engagement and interest in protecting Osgoode Hall and its grounds - and we want to assure you of our continued commitment to minimizing the impacts, both during construction and operations, to this historically significant site and its operational importance to the Law Society of Ontario and Judiciary.

The detailed plans you shared with us for alternate design options for the entrance have now been throroughly reviewed. Each proposal was carefully evaluated against the current design and constuction methodology to identify whether it could be considered as a suitable option. We have further received review comments from the City of Toronto that support the site evaluation, heritage objectives and outcome of this body of work. Upon careful review, the project team has determined the best solution continues to be the reduced station entrance located on Osgoode Hall grounds, as presented on August 9th. While we know you were hoping to find an alternate option, we are committed to continuing our exploration through the design phase to minimize impacts to Osgoode Hall and its grounds.

We have attached a deck, in Appendix 1, which provides a detailed summary of our technical analysis and findings. We are thankful for your open communication with us, and would like to continue to discuss this decision and ways we can improve the station entrance design to best meet our objectives of delivering great transit and protecting the heritage value of the Osgoode Hall site.



Property Requirements

Further to recent discussions, including representation from the Law Society of Ontario, Court of Appeal of Ontario, the Ministry of Attorney General and Chief Justices of Canada, we have prepared the property requirements that will ultimately facilitate the station entrance building located on the southwest portion of the above-noted property. Attached to this letter, in Appendix 2, is the latest drawing showing the property requirements, which includes a portion of fee simple interest and a subsurface permament easement. These interests are required to be in Metrolinx's possession by August 1, 2022, and we are committed to working with you to reach an amicable agreement to acquire these necessary interests for the Ontario Line project.

Due to the timelines for the project, we will likely initiate the expropriation process as a backstop to protect the project schedule in parallel with our negotiations. Please know that we are committed to continuing acquisition negotiations and will continue to share information with you throughout the process.

Furthermore, Metrolinx needs to complete necessary due diligence works to advance the station design further and would like to request permission to access your property to complete these works. Our property team will liaise with your team directly and we appreciate your cooperation to complete these necessary works over the next few months.

If you have any questions please feel free to contact me at your earliest convenience, or if you have any property specific question contact Susan Lin at: telephone (416) 202-7226 or email Susan.Lin@metrolinx.com.

We appreciate your time and look forward to working with you as we move forward with the Ontario Line.

Kind Regards,

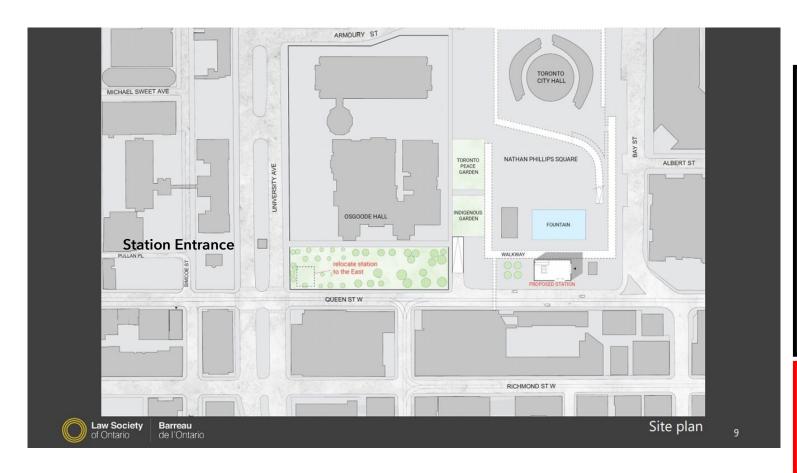
Malcolm MacKay, Program Sponsor - Ontario Line, Metrolinx

Phone: (416) 202-7733

Email: Malcolm.MacKay1@metrolinx.com

Cc. Karla Avis-Birch, Chief Planning Officer, Metrolinx Steven Hobbs, Chief of Staff to the President & CEO, Metrolinx Daniel Cicero, Sponsor, Ontario Line, Metrolinx Susan Lin, Senior Manager Property, Metrolinx

LSO Option 1 - City Hall Combined Station



- Proposed entrance building in front of City Hallconnection to Line 1 via new passageway
- Similar to early Relief Line proposal, however 15% design phase showed that the existing NE entrance would need to be expanded

Challenges & Risks:

- Adds new tunnel and station construction challenges and risks, impacting schedule
- Poor passenger transfer experience between Line 1 and Ontario Line
- Reduces relief to Line 1
- Requires multiple platforms to handle combined passenger loadings, and encroaches into Nathan Phillips Square
- A single downtown station will result in higher passenger congestion

Major Challenge

- Conflict with City Hall parking garage and below grade Enwave infrastructure
- Not supported by the City at the time

Fatal Flaws:

The Station cannot accommodate passenger volumes, fails fire code

LSO Option 2 - Shifted University Avenue



Option D Rendering

- Similar to the Metrolinx presented Options D and F, both these options have additional changes to other entrances to address crowding concerns.
- Construction laydown area at Osgoode Hall is still required
- Tested by TTC for Relief Line; does not meet requirements

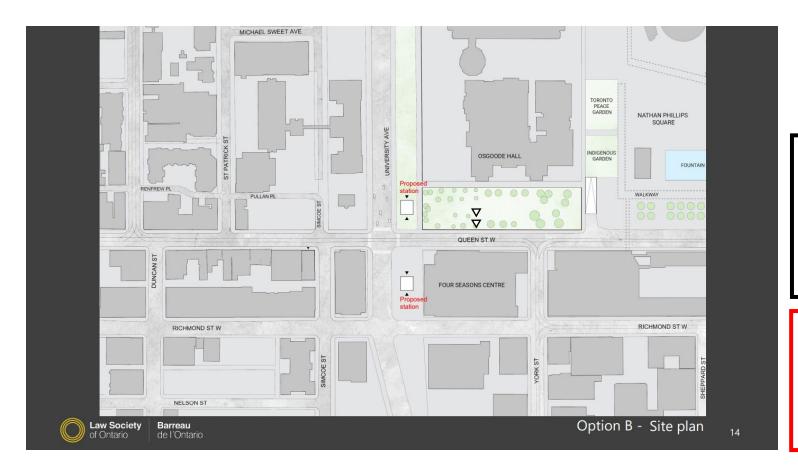
Challenges & Risks:

- Poor circulation and wayfinding up to 100 m longer transfer for majority of riders
- Poor distribution of passengers to Ontario Line due to end loading
- Additional street and utility impacts
- Entrances too close to tunnel ventilation
- University Avenue section of TOCore program has not been approved by Council

Fatal Flaws:

- Simcoe site too small for keyhole and no suitable laydown area adjacent to site
- Does not meet crowding standards

LSO Option 3 - University Avenue Park



- New entrance buildings along the east side of the realigned University Avenue
- Osgoode Hall lands still required for keyhole and construction laydown

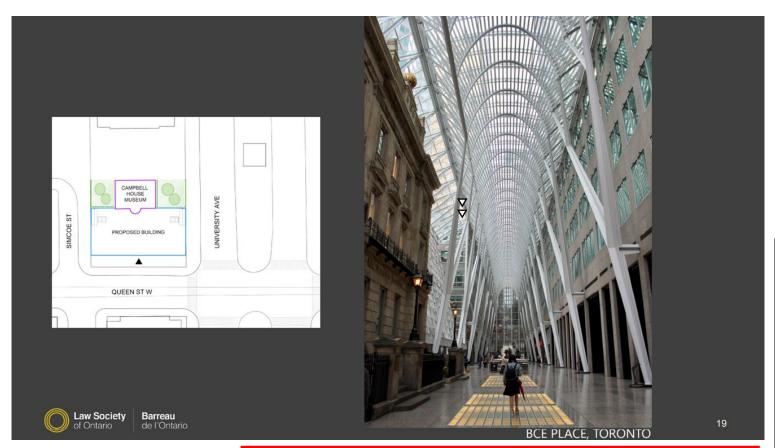
Challenges & Risks:

- Requires reconfiguration of University Avenue from King Street to Dundas Street
- Complex staging to maintain Line 1 access during construction
- Utility conflicts (potential fatal flaw)

Major Challenge:

- University Avenue section of TOCore program has not been approved by Council
- Entrances as shown conflict with existing subway structure

LSO Option 4 - Campbell House



Fatal Flaws:

- Poorly located to serve majority of riders east of University Avenue and streetcar transfers
- Insufficient size for construction laydown area

- New entrance building on Campbell House property - connection to Line 1 via new passageway. Expanded northeast stair required to meet passenger demand
- Campbell House site too small to accommodate both keyhole and laydown activities - Osgoode Hall grounds still required for construction laydown
- Does not serve streetcar transfers well, inaccessible entrance for WB transfers
- For the Relief Line, the city determined that the site was unsuitable for the entrance

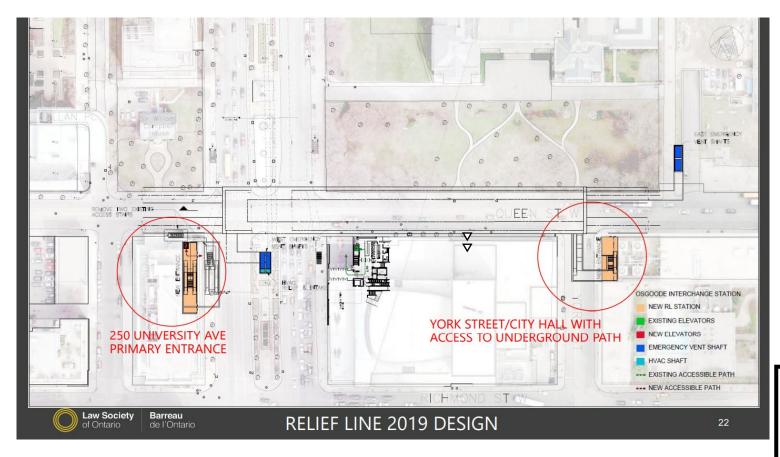
Challenges & Risks:

- Campbell House relocation and removal of green space
- Poor passenger circulation and wayfinding
- Significant cost premium and potential schedule risks
- Additional traffic lane closures
- Complex staging to maintain Line 1 access during construction
- Utility conflicts (potential fatal flaw)
- Less than 25 m from the (west) station entrance at Queen and Simcoe Streets not allowing for sufficient emergency egress



Ontario Line

LSO Option 5 - Early Relief Line Design



Fatal Flaws:

- Poor passenger experience
- Enwaye conflict
- Existing foundation at 250 University does not allow this structure to be constructed

- In the 15% design finalized in December 2018, the TTC proposed a concept similar to the Ontario Line except with the second entrance occupying the parking ramp to City Hall instead of off Simcoe Street
- Ontario Line is anticipated to have higher passenger volumes at Osgoode Station. This is reflected in the station entrance building requirements and the need to retrofit the existing Line 1 concourse level that were previously not necessary or deferred in the Relief Line scope
- Image represents an early design, City and TTC were advancing a design like the Ontario Line RCD
- Construction laydown area is still needed at Osqoode Hall

Challenges & Risks:

- Capacity and crowding concerns
- Poor passenger circulation and wayfinding
- Poor transfer to streetcars; reduced relief to Line 1
- Enwaye conflicts
- 250 University development is at an advanced stage
- Significant cost premium and potential schedule risks



Four Seasons Centre

Four Season Centre - 145 Queen Street West

- Pre-existing infrastructure for subway access
- Opportunity to involve architect of existing building in the integration of the entrance
- Modern station would be a sympathetic addition to existing building
- No loss of green space or impact to a heritage designated site





- Does not meet access and egress requirements at the east end of the station
- Expanding existing east entrance at the Four Seasons Centre for the Performing Arts is incompatible with structural constraints of the building
- Osgoode Hall site is the only site that provides sufficient space adjacent to the entrance building site for laydown and staging

Challenges & Risks:

- Capacity and crowding concerns
- Ventilation integration
- No accessible transfer to WB streetcars Enwave conflicts
- High risk to schedule
- Construction laydown area is still needed at Osgoode Hall

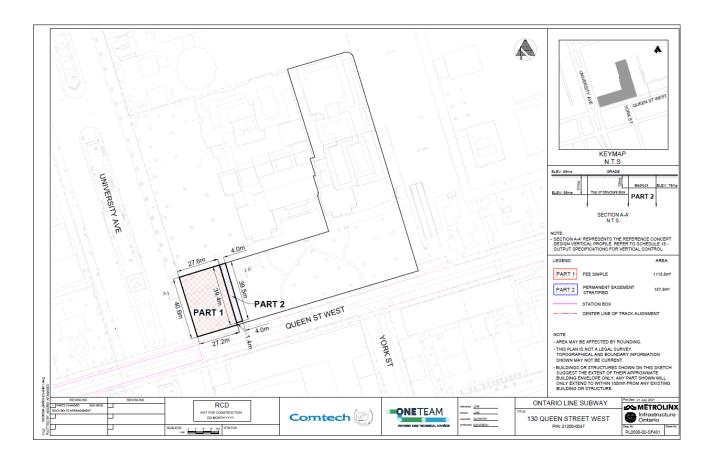
Fatal Flaws:

24

- Poor passenger experience and insufficient capacity
- Expansion of east entrance is constrained by existing structure

★★ METROLINX

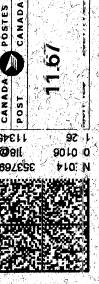
Appendix 2 Property Requirement Drawing



This is Exhibit "I" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury



Borden Ladner Gervais

Borden Ladner Gervais LLP Bay Adelaide Centre, East Tower 22 Adelaide Street West Toronto, ON, Canada M5H 4E3

Delivered by Registered Mail

The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario)
Office of General Counsel
130 Queen Street West
Toronto, ON M5H 2N6





Date Received: 11/29/2021 01:54 PM Office of the, General Counsel

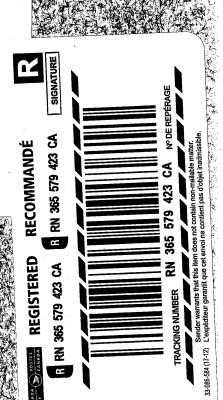
3rd FLOOR - OGC

USPS

130Queen

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Routing #:10FF273140



Liviu Cananau T 416-367-6613 lcananau@blg.com Borden Ladner Gervais LLP Bay Adelaide Centre, East Tower 22 Adelaide Street West Toronto, ON, Canada M5H 4E3 T 416.367.6000 F 416.367.6749 bld.com



File No. 025575/65

November 26, 2021

DELIVERED BY REGISTERED MAIL

The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario) Office of General Counsel 130 Queen Street West Toronto, ON M5H 2N6

Dear Sirs and/or Mesdames:

Re: Metrolinx - Ontario Line Project

Notice of Application for Approval to Expropriate Land

Property Owner(s): The Law Society Of Upper Canada (also known as

Law Society of Ontario Barreau de L'Ontario)

Your Interest:

Owner

Municipal Address of

130 Queen Street W

Property:

PIN:

Part of PIN 21200-0047 (LT)

We are the solicitors for Metrolinx in connection with the above noted matter.

Metrolinx is commencing expropriation proceedings in connection with the construction and operation of the Ontario Line Project and works ancillary thereto (the "**Project**").

This Notice of Application for Approval to Expropriate Land ("Notice") is served upon you because you are a "registered owner", as defined in the *Expropriations Act*, R.S.O. 1990, c. E.26, of lands required by Metrolinx for the Project. A copy of the relevant drawing/plan is also enclosed.

If you have any questions about this Notice, please contact Susan Lin, Manager, Property Acquisitions CPG at Metrolinx, by email at Susan.Lin@metrolinx.com or our office by email at ONLineExp-Tor@blg.com.

Yours very truly,

Borden Ladner Gervais LLP

Liviu Cananau

LC/ee

Encl.

cc: Metrolinx

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND Form 2

Expropriations Act, R.R.O. 1990, Reg. 363

IN THE MATTER OF an application by Metrolinx for approval to expropriate land being:

All Right, Title and Interest (Fee Simple)

Portion of 130 Queen Street West
Part of PIN 21200-0047 (LT)
Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 1 on Property Drawing No. PL0500-02-SF401

All Right, Title and Interest (Fee Simple Stratified)

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT) Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 3 on Property Drawing No. PL0500-02-SF401

<u>Limited Interest in Perpetuity (Permanent Easement - Support)</u>

Portion of 130 Queen Street West
Part of PIN 21200-0047 (LT)
Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 5 on Property Drawing No. PL0500-02-SF401

for the purposes of a non-exclusive permanent easement or rights in the nature of a permanent easement for the full, unhindered, and continued protection of Metrolinx's subsurface system consisting of underground transit infrastructure. systems and/or services (collectively. **"Subsurface System"**) and for their ongoing support, safe use and safe operation as an appurtenance to and for the benefit of any and all adjacent Metrolinx lands (the foregoing mentioned purposes, collectively the "Purpose"). Without limiting the generality of the foregoing, the easement lands herein shall not be used or affected in any manner that contravenes or conflicts with the Purpose including, without limitation, through any material adverse impact to the Subsurface System nor shall the said lands be altered in any manner including, without limitation, through development, redevelopment. excavation, construction, building, improvement, excavation, grading, drilling, demolition, deconstruction, compression, overloading, decompression or other work of any nature or kind which may result in:

- a) a change in the load that bears directly or indirectly on the Subsurface System;
- b) any unloading from the Subsurface System;
- the removal of any direct or indirect support for the Subsurface System, whether lateral, vertical or otherwise;

- d) the storage or permitting the storage of any chattels, materials or substances that are either explosive, flammable or capable of causing injury to the Subsurface System; and
- e) any material adverse impact or risk to the existence, operation, maintenance and/or safety of the Subsurface System,

further provided that Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, shall be permitted access with all necessary material, supplies and equipment, in, through, along and upon the said easement lands for the purpose of rectifying or remedying any contravention of the terms of this easement but which right shall, notwithstanding anything to the contrary herein, not entitle Metrolinx to permanently place, install and/or keep any improvements, structures and/or infrastructure within the said easement lands.

<u>Limited Interest in Perpetuity (Permanent Easement – Bolt, Anchor, Tieback, Drill & Probe)</u>

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 5 on Property Drawing No. PL0500-02-SF401

for the purposes of a free, uninterrupted and unobstructed permanent easement or rights in the nature of a permanent easement to enter, occupy and re-enter by Metrolinx and all authorized users, including, but not limited contractors. servants. employees, agents. sub-contractors. representatives and workers, with all necessary material, supplies and equipment, in, through, along and upon the said lands for the purpose of constructing, installing, placing, inserting, drilling, operating, maintaining, inspecting, altering, repairing, removing, replacing and/or reconstructing rock bolts, rock anchors, soil anchors, tiebacks, spiles, canopy tubes, ground improvement, geotechnical instrumentation as well as probing and probe drilling required for or in connection with the construction and/or the operation of the Ontario Line Project and all works and/or uses ancillary to the said purpose.

<u>Limited Interest in Perpetuity (Permanent Easement Stratified - Support)</u>

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 4 on Property Drawing No. PL0500-02-SF401

for the purposes of a non-exclusive permanent easement or rights in the nature of a permanent easement for the full, unhindered, and continued protection of Metrolinx's subsurface system consisting of underground

transit infrastructure. systems and/or services (collectively, **"Subsurface System**") and for their ongoing support, safe use and safe operation as an appurtenance to and for the benefit of any and all adjacent Metrolinx lands (the foregoing mentioned purposes, collectively the "Purpose"). Without limiting the generality of the foregoing, the easement lands herein shall not be used or affected in any manner that contravenes or conflicts with the Purpose including, without limitation, through any material adverse impact to the Subsurface System nor shall the said lands be altered in any manner including, without limitation, through development, redevelopment, excavation, construction, building, improvement, excavation, grading, drilling, demolition, deconstruction, compression, overloading, decompression or other work of any nature or kind which may result in:

- a) a change in the load that bears directly or indirectly on the Subsurface System;
- b) any unloading from the Subsurface System;
- c) the removal of any direct or indirect support for the Subsurface System, whether lateral, vertical or otherwise;
- d) the storage or permitting the storage of any chattels, materials or substances that are either explosive, flammable or capable of causing injury to the Subsurface System; and
- e) any material adverse impact or risk to the existence, operation, maintenance and/or safety of the Subsurface System,

further provided that Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, shall be permitted access with all necessary material, supplies and equipment, in, through, along and upon the said easement lands for the purpose of rectifying or remedying any contravention of the terms of this easement but which right shall, notwithstanding anything to the contrary herein, not entitle Metrolinx to permanently place, install and/or keep any improvements, structures and/or infrastructure within the said easement lands.

<u>Limited Interest in Perpetuity (Permanent Easement Stratified – Bolt.</u> Anchor, Tieback, Drill & Probe)

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 2 on Property Drawing No. PL0500-02-SF401

for the purposes of a free, uninterrupted and unobstructed permanent easement or rights in the nature of a permanent easement to enter, occupy and re-enter by Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, with all necessary material, supplies and

equipment, in, through, along and upon the said lands for the purpose of constructing, installing, placing, inserting, drilling, operating, maintaining, inspecting, altering, repairing, removing, replacing and/or reconstructing rock bolts, rock anchors, soil anchors, tiebacks, spiles, canopy tubes, ground improvement, geotechnical instrumentation as well as probing and probe drilling required for or in connection with the construction and/or the operation of the Ontario Line Project and all works and/or uses ancillary to the said purpose.

For the purpose of facilitating the construction and operation of the Ontario Line Project and works ancillary thereto.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the lands and interests described herein.

The application for approval to expropriate referred to herein is made in connection with a "priority transit project" as defined in the *Building Transit Faster Act*, 2020 S.O. 2020, Chapter 12 (the "**BTFA**") and relates to lands that are at least partly on "transit corridor land" as defined in the BTFA. Pursuant to Section 44 of the BTFA, the hearing rights, procedure and other provisions set out in subsections 6(2) to 6(5), Section 7 in its entirety and subsections 8(1) and 8(2) of the *Expropriations Act*, R.S.O. 1990, c. E.26 do not apply.

The approving authority is: Minister of Transportation 3rd Floor, Ferguson Block 77 Wellesley Street West Toronto, Ontario M7A 1Z8

Name of expropriating authority: c/o Metrolinx Attn: Director, Property Acquisitions 20 Bay Street, Ste. 600 Toronto, Ontario M5J 2W3

METROLINX

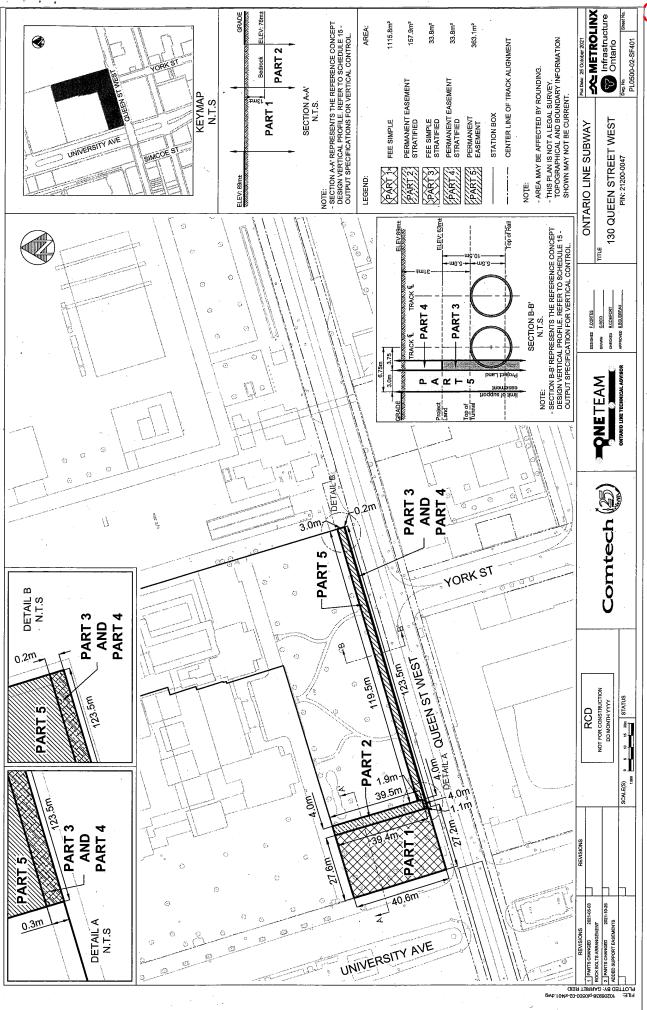
Per:

Name: Vicki Wong

Title: Director, Property Acquisitions

I have the authority to bind the Corporation.

Dated at Toronto this 23 day of November, 2021



This is Exhibit "J" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

Liviu Cananau T 416-367-6613 lcananau@blg.com Borden Ladner Gervais LLP Bay Adelaide Centre, East Tower 22 Adelaide Street West Toronto, ON, Canada M5H 4E3 T 416.367.6000 F 416.367.6749 blo.com



File No. 025575/65

December 7, 2021

DELIVERED BY REGISTERED MAIL

The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario)
130 Queen Street West
Toronto, ON M5H 2N6

Dear Sirs and/or Mesdames:

Re: Metrolinx – Ontario Line Project

Notice of Application for Approval to Expropriate Land

Property Owner(s): The Law Society Of Upper Canada (also known as

Law Society of Ontario Barreau de L'Ontario)

Your Interest: Owner

Municipal Address of 130 Queen Street W

Property:

PIN: Part of PIN 21200-0047 (LT)

You recently received a Notice of Application for Approval to Expropriate Land dated November 26, 2021 and accompanying documents (together, "Notice Package") in connection with the property referred to above.

Further to our prior correspondence, we are enclosing an information sheet (the "Information Sheet") regarding the Alternative Engagement Process applicable to the proposed expropriation under the *Building Transit Faster Act*, 2020 (the "BTFA"). This is a process for owners to share written comments and/or concerns regarding the proposed expropriation with the approving authority, the Minister of Transportation, in the event that this is of interest. The Information Sheet is served herein together with the Notice Package for your ease of reference.

If you have any questions, please contact Vicki Wong, Director, Property Acquisitions at Metrolinx by email at Vicki.Wong@metrolinx.com or our office by email at ONLineExp-Tor@blg.com.

Yours very truly,

Borden Ladner Gervais LLP

Liviu Cananau

LC/ee

Encl.

cc: Metrolinx

INFORMATION SHEET RE ALTERNATIVE ENGAGEMENT PROCESS Building Transit Faster Act, 2020, S.O. 2020, c. 12

To:

Property Owner / Interested Party

Re:

Ontario Line Project

You have recently received a Notice of Application for Approval to Expropriate Land (the "**Notice**") and accompanying documents in connection with lands/interests required by Metrolinx for the purpose of facilitating the construction and operation of the Ontario Line Project and works ancillary thereto.

As stated in the Notice, pursuant to Section 44 of the *Building Transit Faster Act*, 2020, S.O. 2020, c. 12 (the "BTFA"), the hearing procedure set out in Subsections 6(2) to (5), Section 7, and Subsections 8(1) and (2) of the *Expropriations Act*, R.S.O. 1990, c. E.26 (the "Act") does not apply in this matter as all or part of the lands described in the Notice have been designated as "transit corridor lands" pursuant to Section 62 of the BTFA and are required for the purposes of the Ontario Line Project, defined as a "priority transit project" pursuant to Section 2 of the BTFA.

However, the BTFA permits the establishment of an Alternative Engagement Process for the approving authority, the Minister of Transportation, to receive comments about proposed expropriations. Any owner of lands in respect of which Notice is given who desires to provide comments to the approving authority, the Minister of Transportation, about the proposed expropriation, may do so by providing their comments in writing to the Minister at TransitLandAssembly@ontario.ca, in accordance with the following timelines:

- 1. in the case of a registered owner, served personally or by registered mail, within thirty days after the registered owner is served with this information sheet and Notice (as enclosed herein), or, when the registered owner is served by publication, within thirty days after the first publication of the notice; or
- 2. in the case of an owner who is not a registered owner, within thirty days after the first publication of the notice.

If you have any questions about the Alternative Engagement Process or the Ontario Line Project, please contact ONLineExp-Tor@blg.com.

NOTICE OF APPLICATION FOR APPROVAL TO EXPROPRIATE LAND Form 2

Expropriations Act, R.R.O. 1990, Reg. 363

IN THE MATTER OF an application by Metrolinx for approval to expropriate land being:

All Right, Title and Interest (Fee Simple)

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT) Part of Parklot 11, Concession 1 FTB Townshi

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 1 on Property Drawing No. PL0500-02-SF401

All Right, Title and Interest (Fee Simple Stratified)

Portion of 130 Queen Street West

Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 3 on Property Drawing No. PL0500-02-SF401

Limited Interest in Perpetuity (Permanent Easement - Support)

Portion of 130 Queen Street West

Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 5 on Property Drawing No. PL0500-02-SF401

for the purposes of a non-exclusive permanent easement or rights in the nature of a permanent easement for the full, unhindered, and continued protection of Metrolinx's subsurface system consisting of underground transit infrastructure, systems and/or services (collectively, "Subsurface System") and for their ongoing support, safe use and safe operation as an appurtenance to and for the benefit of any and all adjacent Metrolinx lands (the foregoing mentioned purposes, collectively the "Purpose"). Without limiting the generality of the foregoing, the easement lands herein shall not be used or affected in any manner that contravenes or conflicts with the Purpose including, without limitation, through any material adverse impact to the Subsurface System nor shall the said lands be altered in any manner including, without limitation, through development, improvement. construction. excavation, building, redevelopment, excavation, grading, drilling, demolition, deconstruction, compression, overloading, decompression or other work of any nature or kind which may result in:

- a) a change in the load that bears directly or indirectly on the Subsurface System;
- b) any unloading from the Subsurface System;
- c) the removal of any direct or indirect support for the Subsurface System, whether lateral, vertical or otherwise;

- d) the storage or permitting the storage of any chattels, materials or substances that are either explosive, flammable or capable of causing injury to the Subsurface System; and
- e) any material adverse impact or risk to the existence, operation, maintenance and/or safety of the Subsurface System,

further provided that Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, shall be permitted access with all necessary material, supplies and equipment, in, through, along and upon the said easement lands for the purpose of rectifying or remedying any contravention of the terms of this easement but which right shall, notwithstanding anything to the contrary herein, not entitle Metrolinx to permanently place, install and/or keep any improvements, structures and/or infrastructure within the said easement lands.

<u>Limited Interest in Perpetuity (Permanent Easement – Bolt, Anchor, Tieback, Drill & Probe)</u>

Portion of 130 Queen Street West

Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 5 on Property Drawing No. PL0500-02-SF401

for the purposes of a free, uninterrupted and unobstructed permanent easement or rights in the nature of a permanent easement to enter, occupy and re-enter by Metrolinx and all authorized users, including, but not limited sub-contractors, servants. employees, contractors, agents, representatives and workers, with all necessary material, supplies and equipment, in, through, along and upon the said lands for the purpose of constructing, installing, placing, inserting, drilling, operating, maintaining, inspecting, altering, repairing, removing, replacing and/or reconstructing rock bolts, rock anchors, soil anchors, tiebacks, spiles, canopy tubes, ground improvement, geotechnical instrumentation as well as probing and probe drilling required for or in connection with the construction and/or the operation of the Ontario Line Project and all works and/or uses ancillary to the said purpose.

<u>Limited Interest in Perpetuity (Permanent Easement Stratified - Support)</u>

Portion of 130 Queen Street West

Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 4 on Property Drawing No. PL0500-02-SF401

for the purposes of a non-exclusive permanent easement or rights in the nature of a permanent easement for the full, unhindered, and continued protection of Metrolinx's subsurface system consisting of underground

(collectively, and/or services systems transit infrastructure. "Subsurface System") and for their ongoing support, safe use and safe operation as an appurtenance to and for the benefit of any and all adjacent Metrolinx lands (the foregoing mentioned purposes, collectively the "Purpose"). Without limiting the generality of the foregoing, the easement lands herein shall not be used or affected in any manner that contravenes or conflicts with the Purpose including, without limitation, through any material adverse impact to the Subsurface System nor shall the said lands be altered in any manner including, without limitation, through development, construction, building, improvement. excavation, redevelopment, excavation, grading, drilling, demolition, deconstruction, compression, overloading, decompression or other work of any nature or kind which may result in:

- a) a change in the load that bears directly or indirectly on the Subsurface System;
- b) any unloading from the Subsurface System;
- c) the removal of any direct or indirect support for the Subsurface System, whether lateral, vertical or otherwise;
- d) the storage or permitting the storage of any chattels, materials or substances that are either explosive, flammable or capable of causing injury to the Subsurface System; and
- e) any material adverse impact or risk to the existence, operation, maintenance and/or safety of the Subsurface System,

further provided that Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, shall be permitted access with all necessary material, supplies and equipment, in, through, along and upon the said easement lands for the purpose of rectifying or remedying any contravention of the terms of this easement but which right shall, notwithstanding anything to the contrary herein, not entitle Metrolinx to permanently place, install and/or keep any improvements, structures and/or infrastructure within the said easement lands.

<u>Limited Interest in Perpetuity (Permanent Easement Stratified – Bolt. Anchor, Tieback, Drill & Probe)</u>

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT)

Part of Parklot 11, Concession 1 FTB Township of York; City of Toronto designated as Part 2 on Property Drawing No. PL0500-02-SF401

for the purposes of a free, uninterrupted and unobstructed permanent easement or rights in the nature of a permanent easement to enter, occupy and re-enter by Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, with all necessary material, supplies and

equipment, in, through, along and upon the said lands for the purpose of constructing, installing, placing, inserting, drilling, operating, maintaining, inspecting, altering, repairing, removing, replacing and/or reconstructing rock bolts, rock anchors, soil anchors, tiebacks, spiles, canopy tubes, ground improvement, geotechnical instrumentation as well as probing and probe drilling required for or in connection with the construction and/or the operation of the Ontario Line Project and all works and/or uses ancillary to the said purpose.

For the purpose of facilitating the construction and operation of the Ontario Line Project and works ancillary thereto.

NOTICE IS HEREBY GIVEN that application has been made for approval to expropriate the lands and interests described herein.

The application for approval to expropriate referred to herein is made in connection with a "priority transit project" as defined in the *Building Transit Faster Act, 2020* S.O. 2020, Chapter 12 (the "**BTFA**") and relates to lands that are at least partly on "transit corridor land" as defined in the BTFA. Pursuant to Section 44 of the BTFA, the hearing rights, procedure and other provisions set out in subsections 6(2) to 6(5), Section 7 in its entirety and subsections 8(1) and 8(2) of the *Expropriations Act*, R.S.O. 1990, c. E.26 do not apply.

The approving authority is: Minister of Transportation 3rd Floor, Ferguson Block 77 Wellesley Street West Toronto, Ontario M7A 1Z8

Name of expropriating authority: c/o Metrolinx Attn: Director, Property Acquisitions 20 Bay Street, Ste. 600 Toronto, Ontario M5J 2W3

METROLINX

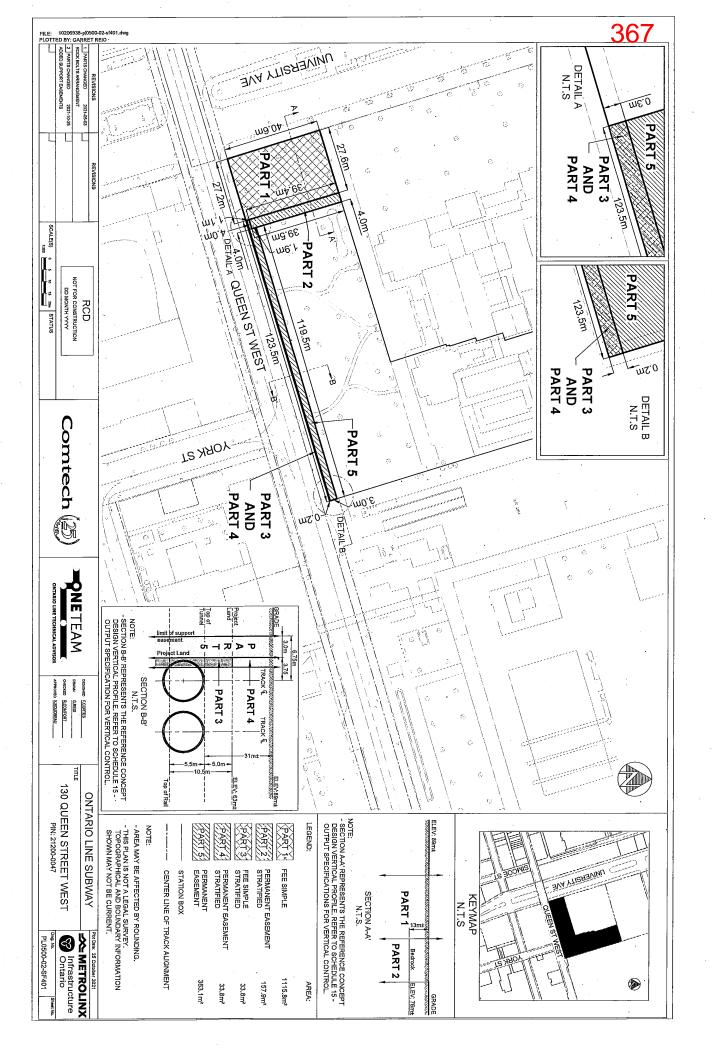
Per:

Name: Vicki Wong

Title: Director, Property Acquisitions

I have the authority to bind the Corporation.

Dated at Toronto this 23 day of November, 2021



This is Exhibit "K" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury



January 6, 2022

VIA E-MAIL TO TransitLandAssembly@Ontario.ca

Hon. Caroline Mulroney Minister of Transportation Ministry of Transportation 777 Bay Street, 5th Floor Toronto, ON M7A 1Z8 Chris Tzekas Counsel t. 416-947-5039 ctzekas@weirfoulds.com

Sean G. Foran Partner t. 416-947-5019 sforan@weirfoulds.com

File 00670.22452

Dear Minister Mulroney:

Re: Expropriation by Metrolinx of portion of Osgoode Hall grounds for the Ontario Line Project

We write on behalf of the Law Society of Ontario ("**LSO**") to provide comments in response to the enclosed 'Notice of Application for Approval to Expropriate Land' and the intended expropriation by Metrolinx of a portion of the Osgoode Hall grounds (the "**Osgoode Hall grounds**" or "**LSO's property**") for the Ontario Line Project (the "**Project**").

The proposed expropriation involves a fee simple acquisition of the southwest corner of the LSO's property for the main entrance of the new Osgoode Hall Station, a stratified fee simple taking along the Queen Street frontage, as well as certain permanent easements identified as Parts 1 to 5 on Drawing No. PL0500-02-SF401, prepared by Comtech on October 25, 2021. It is noted that the permanent strip takings along Queen Street were not identified in earlier discussions between the parties, suggesting that the Project design and property requirements continue to evolve.

<u>Implications of Expropriation</u>

The Province's plan to situate the new subway station entrance and related infrastructure on the northeast corner of the Queen Street West and University Avenue intersection, necessitating the expropriation of portions of the LSO's property, will have significant and detrimental implications, which will forever alter the historic Osgoode Hall grounds. The Osgoode Hall grounds serve as an important public greenspace in the City's downtown core; and as such the grounds are included in the City's TOcore Implementation Strategy – Downtown Parks and Public Realm Plan.¹

¹ See City Council decision dated October 1 and 4, 2021, (http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2021.IE24.7), which contemplates "...an Ontario Line

T: 416-365-1110 F: 416-365-1876



The planned taking and works will involve the construction of a modern station structure of a size and in a location inconsistent with the heritage aspects of the LSO property. This will necessitate the removal and reconfiguration of the cast iron fence around the station, and result in the loss of mature trees and other features, permanently changing the natural landscape that has existed on the national historic site for approximately 200 years. The impact of the permanent takings along the Queen Street frontage on the historic "cow gate" fencing is currently unknown.

The LSO shares ownership and custody of this unique property with the Province, and the courts have raised independent but similar concerns regarding the impacts of the plan to construct a subway station entrance on the Osgoode Hall grounds.

Project Planning Process

On February 12, 2021, the LSO was first informed of the Metrolinx plans to locate the main entrance for the new subway station on the Osgoode Hall grounds. At that time, the Metrolinx presentation showed alternative concepts involving the other three corners of the Queen Street and University Avenue intersection, that were also under consideration for the new Osgoode Hall Station entrance. The information was a surprise to the LSO, as the previous plans for the Relief Line did not require any property from the Osgoode Hall grounds.

Since learning of the revised plan, the LSO has made extensive efforts to engage and work with the Province and Metrolinx to find alternative solutions and sites that would achieve the objectives of the Project whilst preserving the Osgoode Hall grounds for the continued use and enjoyment of the public.

The LSO provided comments as part of stakeholder consultations on draft studies and reports; met with Metrolinx and other Provincial representatives on multiple occasions; attended various Open Houses; sent letters to senior decision-makers detailing the issues; and engaged consultants and experts to assist in providing viable alternative options that would likewise achieve the expropriating authority's objectives.

For your information, we enclose the following information detailing the substantial issues with the plans for the Project impacting the LSO's property, which have been communicated to Metrolinx and the Province, and in large part remain unresolved:

Station design to support a continuous green frontage on the north side of Queen Street between Old City Hall and Campbell House."



- letter providing comments on Draft Environmental Conditions Report, dated October 16, 2020;
- letter to Metrolinx CEO, dated March 11, 2021;
- letter to Minister MacLeod, dated April 9, 2021; and,
- comments on the early draft of the Environmental Impact Report, dated December 6, 2021.

We understand that the project-specific environmental assessment ("**EA**") process created for the Ontario Line in *O. Reg. 341/20: Ontario Line Project* is a multi-step process, and as such the environmental approval, public consultation and due diligence process has not yet been completed for the Project.

However, the due diligence conducted to date raises serious concerns about the validity of the process and the justifications for the proposed expropriation. The exceptionally narrow interpretation of the environmental and heritage assessment requirements that has been adopted and applied has meant that the individual impacts are reviewed in isolation without considering interconnections and context. Inaccuracies in the underlying project studies and reports highlighted by the LSO were not addressed by Metrolinx, and as a result there are errors with respect to the heritage attributes of Osgoode Hall described in the Final Environmental Conditions Report. In other instances, the response to the comments and concerns raised by the LSO has been perfunctory or remain outstanding.

As noted above, the LSO submitted comments on an early draft of the Environmental Impact Assessment Report (the "**EIAR**") on December 6, 2021. At this early stage in the EA process, it is not known how or if Metrolinx will respond to the LSO's comments or those from the public or other stakeholders. It is expected that the draft EIAR will not be provided to the public for comment until later this month, and only after the comment period will Metrolinx address public and stakeholder feedback.

To date, there has not been a public forum or opportunity for meaningful public consultation on the proposed station and its impacts on the Osgoode Hall grounds, which as mentioned above serve as an important public greenspace in the downtown core. Public consultations have not yet been completed as part of the ongoing due diligence process. At this time, the public is largely unaware of the plan for a station on the Osgoode Hall grounds and the impacts on the amenity the greenspace provides.



During the Open House for the Downtown Segment of the Ontario Line on April 26, 2021, Metrolinx indicated to the public that all four corners of the Queen Street and University Avenue intersection were "potentials" for the new station and that the authority was in discussions with all stakeholders. The drawings presented at the Open House on June 17, 2021, did not show all of the property requirements from the Osgoode Hall grounds and eliminated the trees, minimizing the perceived impacts to the greenspace. It is also noted that during the Metrolinx Open House on October 7, 2021, the Osgoode Hall Station was missing from the presentation and related questions by the public were purposely unanswered, with Metrolinx representatives referring participants to the website for information.

In general, there has been a lack of transparency in the planning process and discussions with stakeholders. For example, Metrolinx advised the LSO that the Project design and site selection was in the preliminary stages, offered to engage in dialogue, and solicited feedback on potential alternative sites and mitigation options. The LSO later learned that Metrolinx was simultaneously seeking approvals (i.e. a Minister's Consent from the Minister of Heritage) as well as obtaining detailed drawings and renderings for the station entrance on the Osgoode Hall grounds, suggesting that the location of the new station was predetermined by the expropriating authority.

All of which raises questions about whether the proposed taking and construction of the station on the Osgoode Hall grounds is fair, sound and reasonably necessary for the Project. Given that the due diligence process required to confirm the project details and property requirements of the Project has not been completed, there is arguably no justification for the planned taking of the LSO's property. In the circumstances, an approval of the expropriation is arguably invalid, and therefore may be subject to judicial review.

Alternative Station Sites

Moreover, there are several reasonable and viable alternative station sites that would achieve the objectives of the Ontario Line Project. Throughout the process Metrolinx has suggested that consideration has been given to other possible locations for the main entrance to the new Osgoode Hall Station, including the:

- Campbell House site:
- East Side of the University Avenue;
- Median of University Avenue;
- Four Seasons Performing Arts Centre site; and
- 250 University Avenue (located on the southwest corner of Queen Street and University Avenue).



It is noted that the new Osgoode Hall Station design prepared in 2019 for the Relief Line, which was the precursor to the Ontario Line, provided for two integrated station entrances on the south side of Queen Street, with the main entrance at 250 University Avenue and the secondary entrance at York Street, connecting to the underground PATH. This design provided increased connectivity for passengers and did not require any portion of the Osgoode Hall grounds. For unexplained reasons, the earlier design and engineering work appears to have been discarded in the latest project planning phase.

In April 2021, Metrolinx indicated that it did not intend to carry forward the above-noted sites for the new subway station, but that it remained open to further discussing possible mitigation options. In the view of the LSO, it did not appear that the alternative options were seriously evaluated. Based on the assumption that Metrolinx was genuinely interested in engaging in a meaningful dialogue and mitigating the impacts of the Project, the LSO retained the services of heritage architects and consultants, Goldsmith Borgal & Company Ltd. Architects (GBCA), to further analyze the above station sites as well as consider other potential options.

On August 9, 2021, the LSO presented Metrolinx with an overview of options prepared in consultation with GBCA outlining other potential opportunities and alternatives for the location of the new station entrance. For reference, a copy of the presentation is enclosed. As outlined in the presentation, six potential alternative locations that would meet the objectives of the Project and avoid detrimental impacts to the Osgoode Hall grounds were proposed to Metrolinx, including:

- Nathan Philips Square (near the Queen Street frontage)
 - o Benefits: ease of access to Bay Street and Nathan Phillips Square; ease of connection to underground PATH and underground parking garage; larger site allowing for increased station size; opportunity to consolidate Osgoode and Queen Station into one larger showcase station; and would avoid the costs associated with delays due to archaeological site work as well as disturbances arising from construction adjacent to the Court of Appeal for Ontario.
- Outside fencing around Osgoode Hall grounds
 - Benefits: widened sidewalk providing space for accessible station design; extra space can be used for bus drop off, bike racks and waiting area.



- University Park (east side of the University Avenue)
 - Benefits: station would act as catalyst to the University Park project; and preserve designated park land as well as protect a provincial and national heritage site.
- Campbell House site (160 Queen Street West)
 - O Benefits: opportunity to relocate the building to a more sympathetic site or integrate the building into an innovative station design. It was noted that Campbell House was moved to its current location in 1972 and the temporary costs associated with the relocation of the historic structure were determined to be minimal when weighed against the permanent loss of historic features of the Osgoode Hall lands.
- 250 University Avenue
 - O Benefits: original location of the main entrance for the Osgoode Hall station for the Relief Line; property is already being redeveloped and could serve as an opportunity for a possible Transit Oriented Development; and additional ground level pedestrian gathering areas, keyhole entrance or drop off area could possibly be accommodated by closing Simcoe Street.
- Four Seasons Centre for the Performing Arts (145 Queen Street West)
 - Benefits: pre-existing infrastructure for subway access; opportunity to involve architect of existing building in the integration of the entrance; modern station would be sympathetic addition to the existing building; and there would be no loss of green space or impact to a heritage site.

These viable station site alternatives would all avoid permanently altering the Osgoode Hall grounds and with proper evaluation may even be determined to be preferable to the current proposal. The LSO recognizes the importance and need for the Ontario Line Project. However, the necessary due diligence and analysis has not been undertaken for the proposed siting of the Osgoode Hall Station despite the dramatic implications for a national historic site.

Considering the numerous issues and incomplete nature of the due diligence process, the lack of public consultation, the number of reasonable alternative sites, the fact that the design has not been finalized, and the existence of advanced engineering work that has already been completed as part of the Relief Line for station entrances located south of Queen Street, we respectfully request that the Minister consider whether the proposed expropriation is in fact fair, sound and reasonably necessary for the Ontario Line Project. More specifically, we ask that the Minister consider whether an approval of the proposed expropriation can be reasonably justified, given



that the requisite steps to confirm the necessity of the proposed expropriations have not been completed.

The LSO would be pleased to provide further information to assist in the Minister's decision-making process. Likewise, the LSO would welcome the opportunity to further discuss the matter before a decision is made as to whether the expropriation should be approved.

Yours truly,

WeirFoulds LLP

Per: Chris Tzekas Counsel

CT/SF/jnb Encls.

17144940.1

Yours truly,

WeirFoulds LLP

Per: Sean Foran Partner

This is Exhibit "L" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

Mannu Chowdhury

From: Hajeeyani, Aamir (MTO) <Aamir.Hajeeyani@ontario.ca> on behalf of Fung, Felix (MTO)

<Felix.Fung@ontario.ca>

Sent: Monday, April 25, 2022 10:18 AM **To:** Abbey Sinclair; Joanne Butler

Cc: Pearce, James (MTO); Susan.Lin@metrolinx.com; Vicki.Wong@metrolinx.com

Subject: RE: Proposed Expropriation of 130 Queen Street West

Attachments: image001_wmz; Metrolinx Ontario Line - 130 Queen Street West - Final (Nov 9).pdf

[External Message]

Ministry of Transportation Ministère des Transports Agency Oversight & Partnership Division de la surveillance des organismes Division et des partenariats

777 Bay Street, 30th Floor 777 rue Bay, 30e étage Toronto ON M7A 2J8 Toronto ON M7A 2J8 Tel: 416-585-7347 Tel: 416-585-7347



April 25, 2022

Law Society of Ontario 130 Queen St. West Toronto ON M5H 2N6

Attention: WeirFoulds LLP

RE: Proposed Expropriation of 130 Queen Street West, in the City of Toronto (herein the "Subject Property") for the purpose of the Ontario Line Project

Thank you for your email dated January 6, 2022, with respect to the proposed expropriation of interests within the above referenced Subject Property. I appreciate your patience in allowing the ministry time to review these concerns in detail. On behalf of the Minister of Transportation, I appreciate the opportunity to respond to your letter.

The Ontario Line is a 15.6-kilometre, 15-stop subway line that will run from Exhibition (Ontario Place), through downtown, and north to the Ontario Science Centre. As our city and region continue to grow, our transit system needs to expand to keep up with future demands.

The ministry has investigated the concerns raised in your letter and finds that the proposed expropriation of the Subject Property is necessary to support the Ontario Line project. Ministry staff have made inquiries and I am satisfied that Metrolinx is taking the appropriate steps to ensure that the concerns raised in your letter will be addressed.

Please note that Metrolinx only acquires properties that are necessary for transit projects and will make every effort to minimize any potential impact to the Subject Property through careful planning, design work and due diligence.

Impacts to Trees

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I understand the concerns you have raised with respect to tree injuries and removals. Metrolinx has indicated that some tree injuries and removals are inevitable within the Subject Property due to the existing conditions and locations of trees. For trees that may be injured or removed, this work will be undertaken in accordance with Metrolinx's Vegetation Guideline (2020) and applicable bylaws, and appropriate compensation will be provided. Tree Protection Zone ("TPZ") fencing will be established to protect and minimize tree injuries. Metrolinx will also complete a Landscape Management Plan for the Subject Property in consultation with the Law Society of Ontario and Infrastructure Ontario (IO) Heritage Projects team.

Impacts to the Historic Fence

Metrolinx has ensured the appropriate approvals have been obtained with respect to the temporary dismantling of the 1867 heritage fence located on the Subject Property. This process includes obtaining approval by the Minister of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) to proceed with construction works that affect provincial heritage properties of provincial significance. For example, prior to removal of the fence a Qualified Person(s) will be retained to fully document the existing fence and the project will be planned to avoid, to the greatest extent possible, impacts to the fence, striving to remove only the necessary portions. Metrolinx will work with the Law Society of Ontario and IO Heritage Projects team to coordinate any restoration work for the removed and restored portions of the fence to align with and support the Law Society of Ontario's planned maintenance work.

Alternate Locations:

Metrolinx has assessed alternative locations for the station entrance and determined the challenges the exist for each location. Metrolinx's analysis demonstrates that the ideal location of the Osgoode Station entrance is to be located on the Subject Property. Each option has been described in the attached letter, dated November 9, 2021, with the challenges and risks identified for each location. The rationale for excluding these alternative locations included transit connectivity, insufficient land available for construction activities and conflicts with existing structures, utilities, and infrastructure.

I am pleased that Metrolinx continues to meet with your organization and other stakeholders and have discussed the establishment of a working group in this regard.

Should you have any additional considerations or information requests regarding the use of the Subject Property, you can contact Susan Lin at Metrolinx's Property Acquisitions via email at Susan.Lin@metrolinx.com.

Once again, thank you	for your	correspondence a	and support w	ith respect to	this Project
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Sincerely,
Felix Fung,
Assistant Deputy Minister

This is Exhibit "M" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

Liviu Cananau T 416-367-6613 F 416-367-6749 E LCananau@blg.com

Simon Fung T 416-367-6129 F 416-367-6749 E SFung@blg.com Borden Ladner Gervais LLP Bay Adelaide Centre, East Tower 22 Adelaide Street West Toronto, ON, Canada M5H 4E3 T 416.367.6000 F 416.367.6749 blg.com



File No. 025575/65

August 16, 2022

Delivered by Registered Mail

The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario) Office of General Counsel 130 Queen Street West Toronto, ON M5H 2N6

Dear Sirs and/or Mesdames:

Re: Expropriation Proceedings

Metrolinx – Ontario Line Project

Property Owner(s): The Law Society Of Upper Canada (also known as

Law Society of Ontario Barreau de L'Ontario)

Your Interest:

Owner

Municipal Address of Property:

130 Queen Street W

Part(s):

1, 2, 3 and 4

Expropriation Plan No.:

AT6141643

With respect to the above noted matter, please find enclosed the Notice of Expropriation, Notice of Election, Notice of Possession, Certificate of Approval and Expropriation Plan (the "Notices") which are served on you in accordance with the provisions of the *Expropriations Act* because they pertain to lands in which you appear to have an interest.

Metrolinx requires the land set out in the Notices for the purposes of facilitating the construction and operation of the Ontario Line Project and works ancillary thereto.

If you have any questions with respect to this matter, please contact Reggie Chan by email Reggie.Chan@metrolinx.com or the writer by email at ONLineExp-Tor@blg.com.

Yours very truly,

Borden Ladner Gervais LLP

Liviu Cananau

LC/ee

Encl.

cc:

Metrolinx

LRO # 80 Certificate

Receipted as AT6071704 on 2022 05 09 at 10:01

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 7

Properties

PIN

21200 - 0047 LT

✓ Affects Part of Prop

Description

PART OF PARK LOT 11, CONCESSION 1, FROM THE BAY, DESIGNATED AS PARTS

1, 2, 3, 4 AND 5 ON REFERENCE PLAN 66R-32466; CITY OF TORONTO

Address

TORONTO

Party From(s)

Name

METROLINX

Address for Service

Attn: Director, Property Acquisitions

20 Bay Street, Suite 600 Toronto, ON M5J 2W3

A person or persons with authority to bind the corporation has/have consented to the registration of this document.

This document is not authorized under Power of Attorney by this party.

Statements

Schedule: See Schedules

Signed By

Elena Stacey Eliopoulos

22 Adelaide Street West

acting for Party From(s) Signed 2022 05 09

Toronto

M5H 4E3

Tei 416-367-6000 Fax 416-367-6749

I have the authority to sign and register the document on behalf of the Party From(s).

Submitted By

Borden Ladner Gervais LLP

22 Adelaide Street West

2022 05 09

Toronto M5H 4E3

Tel 416-367-6000 Fax 416-367-6749

Fees/Taxes/Payment

Statutory Registration Fee

\$66.30

Total Paid

\$66.30

File Number

Party From Client File Number:

025575/65



For Ir	nternal Use Only	
W.P. #		
Highway #		
Region:	District:	

		Form 5 propriations Act CATE OF APPROVAL
IN THE MATTER of a the:	an application by	Metrolinx for approval to expropriate lands being in
City: Province:	Toronto Ontario	
as more particularly o	described in the	Schedule attached hereto,
for the purposes of:		
of facilitating the co ancillary thereto.	enstruction and	operation of the Ontario Line Project and works
April 29, 2	2022	by certifies that approval was given to Metrolinx on to expropriate the lands described in the lands described in the lands described in the application.
DATED at Toronto o	n this <u>Apr</u> iday o	f <u>29</u> , 2022.
MINISTER OF TRAM	NSPORTATION	
Carrier W	Weney	
Minister of Transport	tation	



1.

Ministry of Transportation Transports

Ministère des

Form 5 **Expropriations Act** CERTIFICATE OF APPROVAL

SCHEDULE

Those lands and/or interests in lands in the City of Toronto, in the Province of Ontario described as follows:

All Right, Title and Interest (Fee Simple)

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT) .

Part of Park Lot 11, Concession 1, From The Bay; City of Toronto designated as Part 1 on Reference Plan No. 66R-32466 (previously described as Part 1 on Property Drawing No. PL0500-02-SF401)

All Right, Title and Interest (Fee Simple Stratified)

Portion of 130 Queen Street West

Part of PIN 21200-0047 (LT)

Part of Park Lot 11, Concession 1, From The Bay; City of Toronto designated as Part 3 on Reference Plan No. 66R-32466 (previously described as Part 3 on Property Drawing No. PL0500-02-SF401)

Limited Interest in Perpetuity (Permanent Easement -Support)

Portion of 130 Queen Street West

Part of PIN 21200-0047 (LT)

Part of Park Lot 11, Concession 1, From The Bay; City of Toronto designated as Part 5 on Reference Plan No. 66R-32466 (previously described as Part 5 on Property Drawing No. PL0500-02-SF401)

for the purposes of a non-exclusive permanent easement or rights in the nature of a permanent easement (or, in the event that the perpetual duration and/or registration of this instrument is precluded by statute, common law or otherwise, for a term of 999 years from the date of registration of the expropriation plan) for the full, unhindered, and continued protection of Metrolinx's subsurface system consisting of underground

infrastructure, systems and/or services (collectively, the "Subsurface System") and for their ongoing support, safe use and safe operation as an appurtenance to and for the benefit of any and all adjacent Metrolinx lands (the foregoing mentioned purposes, collectively the "Purpose"). Without limiting the generality of the foregoing, the easement lands herein shall not be used or affected in any manner that contravenes or conflicts with the Purpose including, without limitation, through any material adverse impact to the Subsurface System nor shall the said lands be altered in any manner including, without limitation, through development, redevelopment, excavation, construction, building, improvement, excavation, grading, drilling, demolition, deconstruction, compression, overloading, decompression or other work of any nature or kind which may result in:

- a) a change in the load that bears directly or indirectly on the Subsurface System;
- b) any unloading from the Subsurface System;
- c) the removal of any direct or indirect support for the Subsurface System, whether lateral, vertical or otherwise;
- d) the storage or permitting the storage of any chattels, materials or substances that are either explosive, flammable or capable of causing injury to the Subsurface System; and
- e) any material adverse impact or risk to the existence, operation, maintenance and/or safety of the Subsurface System,

without the prior written consent of Metrolinx (which consent shall be exercised by Metrolinx in furtherance of the Purpose with or without conditions as a prudent transit owner/operator with the objective that the resulting interference, restrictions and/or constraints on the use of the Easement Lands or other lands of the owner adjacent thereto for otherwise permitted or lawful purposes is not unduly limited subject to the satisfaction of the Purpose by the Owner at all material times) and further provided that Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, shall be permitted access with all necessary material, supplies and equipment, in, through, along and upon the said easement lands for the purpose of rectifying or remedying any contravention of the terms of this easement but which right shall, notwithstanding anything to the contrary herein, not entitle Metrolinx to permanently place, install and/or keep any improvements, structures and/or infrastructure within the said easement lands.

<u>Limited Interest in Perpetuity (Permanent Easement – Bolt, Anchor, Tieback, Drill & Probe)</u>

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT)

Part of Park Lot 11, Concession 1, From The Bay; City of Toronto designated as Part 5 on Reference Plan No. 66R-32466 (previously described as Part 5 on Property Drawing No. PL0500-02-SF401)

for the purposes of a free, uninterrupted and unobstructed permanent easement or rights in the nature of a permanent easement to enter, occupy and re-enter by Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, with all necessary material, supplies and equipment, in, through, along and upon the said lands for the purpose of constructing, installing, placing, inserting, drilling, operating, maintaining, inspecting, altering, repairing, removing, replacing and/or reconstructing rock bolts, rock anchors, soil anchors, spiles. canopy tubes, ground improvement, tiebacks. geotechnical instrumentation as well as probing and probe drilling required for or in connection with the construction and/or the operation of the Ontario Line Project and all works and/or uses ancillary to the said purpose.

<u>Limited Interest in Perpetuity (Permanent Easement Stratified - Support)</u>

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT)

Part of Park Lot 11, Concession 1, From The Bay; City of Toronto designated as Part 4 on Reference Plan No. 66R-32466 (previously described as Part 4 on Property Drawing No. PL0500-02-SF401)

for the purposes of a non-exclusive permanent easement or rights in the nature of a permanent easement that the perpetual duration and/or registration of this instrument is precluded by statute, common law or otherwise, for a term of 999 years from the date of registration of the expropriation plan) for the full, unhindered, and continued protection of Metrolinx's subsurface system consisting of underground transit infrastructure, systems and/or services (collectively, the "Subsurface System") and for their ongoing support, safe use and safe operation as an appurtenance to and for the benefit of any and all adjacent Metrolinx lands (the foregoing mentioned purposes, collectively the "Purpose"). Without limiting the generality of the foregoing,

the easement lands herein shall not be used or affected in any manner that contravenes or conflicts with the Purpose including, without limitation, through any material adverse impact to the Subsurface System nor shall the said lands be altered in any manner including, without limitation, through development, redevelopment, excavation, construction, building, improvement, excavation, grading, drilling, demolition, deconstruction, compression, overloading, decompression or other work of any nature or kind which may result in:

- a) a change in the load that bears directly or indirectly on the Subsurface System;
- b) any unloading from the Subsurface System;
- c) the removal of any direct or indirect support for the Subsurface System, whether lateral, vertical or otherwise;
- d) the storage or permitting the storage of any chattels, materials or substances that are either explosive, flammable or capable of causing injury to the Subsurface System; and
- e) any material adverse impact or risk to the existence, operation, maintenance and/or safety of the Subsurface System,

without the prior written consent of Metrolinx (which consent shall be exercised by Metrolinx in furtherance of the Purpose with or without conditions as a prudent transit owner/operator with the objective that the resulting interference, restrictions and/or constraints on the use of the Easement Lands or other lands of the owner adjacent thereto for otherwise permitted or lawful purposes is not unduly limited subject to the satisfaction of the Purpose by the Owner at all material times) and further provided that Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, shall be permitted access with all necessary material, supplies and equipment, in, through, along and upon the said easement lands for the purpose of rectifying or remedying any contravention of the terms of this easement but which right shall, notwithstanding anything to the contrary herein, not entitle Metrolinx to permanently place, install and/or keep any improvements, structures and/or infrastructure within the said easement lands.

<u>Limited Interest in Perpetuity (Permanent Easement Stratified – Bolt, Anchor, Tieback, Drill & Probe)</u>

Portion of 130 Queen Street West Part of PIN 21200-0047 (LT)

Part of Park Lot 11, Concession 1, From The Bay; City of Toronto

designated as Part 2 on Reference Plan No. 66R-32466 (previously described as Part 2 on Property Drawing No. PL0500-02-SF401)

for the purposes of a free, uninterrupted and unobstructed permanent easement or rights in the nature of a permanent easement to enter, occupy and re-enter by Metrolinx and all authorized users, including, but not limited to, servants, agents, employees, contractors, sub-contractors, representatives and workers, with all necessary material, supplies and equipment, in, through, along and upon the said lands for the purpose of constructing, installing, placing, inserting, drilling, operating, maintaining, inspecting, altering, repairing, removing, replacing and/or reconstructing rock bolts, rock anchors, soil anchors, tiebacks. spiles, canopy tubes, ground improvement, geotechnical instrumentation as well as probing and probe drilling required for or in connection with the construction and/or the operation of the Ontario Line Project and all works and/or uses ancillary to the said purpose.

NOTICE OF EXPROPRIATION

Form 7

Expropriations Act, R.R.O. 1990, Reg. 363

PIN 21200-0047 (LT)

To: The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario)
130 Queen Street West
Toronto, ON M5H 2N6

The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario) Office of General Counsel 130 Queen Street West Toronto, ON M5H 2N6

TAKE NOTICE THAT:

- 1. The lands shown on a plan registered in the Land Registry Office of the Land Titles Division of Toronto (No. 66), on July 27, 2022 as No. AT6141643 designated as Part(s) 1, 2, 3 and 4 have been expropriated and are now vested in the expropriating authority.
- 2. The name and address of the expropriating authority for service and further communication is:

METROLINX

By its solicitors
Borden Ladner Gervais LLP
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, Ontario M5H 4E3
Attention: Liviu Cananau and Simon Fung

- 3. Attached hereto is a copy of the relevant portion of the plan of expropriation of your land (or a description thereof).
- 4. Under the Act you may elect, by notice in writing served upon the expropriating authority within thirty days after the service of this notice upon you, to have the compensation to which you are entitled assessed,
 - (a) where there has been a hearing under section 7 of the Act, as of the date the notice of hearing was served;
 - (b) as of the date of the registration of the plan; or
 - (c) as of the date on which you were served with this notice; or
 - (d) if a process prescribed by a regulation made under section 8.1 applied, as of the date specified by the regulation,

and, where the election is not made within the prescribed time, you shall be deemed to have elected to have the compensation assessed as of the date of the registration of the plan.

5. For your convenience, a copy of a Notice of Election is furnished herewith.

- 6. Under the Act, the expropriating authority will notify you of the amount of compensation it is willing to pay you for your interest in the land.
- 7. If you are not satisfied with the offer you are entitled to apply to the Ontario Land Tribunal for the determination of compensation in accordance with the Act. Contact information for the Ontario Land Tribunal is: Ontario Land Tribunal 655 Bay Street, Suite 1500, Toronto, Ontario M5G 1E5 https://olt.gov.on.ca/ General Inquiries e-mail: OLT.General.Inquiry@ontario.ca Tel: 416-212-6349 or toll free 866-448-2248 TTY: 800-855-1155 via Bell relay.
- 8. For your information and convenience, certain provisions of the Act that apply to:
 - (a) determination of compensation; and
 - (b) the payment of your legal and appraisal costs, are set out as follows:

"Application, if compensation not agreed to

26 (1) If the statutory authority and the owner do not agree on the compensation payable under this Act, the statutory authority or the owner may, subject to subsection (2), apply to the Tribunal for the determination of compensation by way of a hearing or as otherwise provided for under the *Ontario Land Tribunal Act, 2021*.

Same

- (2) Subsection (1) applies,
 - (a) in the case of injurious affection, if section 22 has been complied with; or
 - (b) in the case of expropriation, if section 25 has been complied with or the time for complying with it has expired.

Costs

Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Tribunal and the amount awarded by the Tribunal is 85 per cent, or more, of the amount offered by the statutory authority, the Tribunal shall make an order directing the statutory authority to pay the reasonable legal, appraisal and other costs actually incurred by the owner for the purposes of determining the compensation payable, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to an assessment officer who shall assess and allow the costs in accordance with this subsection and the tariffs and rules prescribed under clause 44 (d).

Same

Where the amount to which an owner is entitled upon an expropriation or claim for injurious affection is determined by the Tribunal and the amount awarded by the Tribunal is less than 85 per cent of the amount offered by the statutory authority, the Tribunal may make such order, if any, for the payment of costs as it considers appropriate, and may fix the costs in a lump sum or may order that the determination of the amount of such costs be referred to an assessment officer who shall assess and allow the costs in accordance with the order and the tariffs and

rules prescribed under clause 44 (d) in like manner to the assessment of costs awarded on a party and party basis.

Same

(3) If no tariffs or rules are prescribed under clause 44 (d), the assessment officer shall instead have reference to the rules made by the Tribunal for the purposes of section 20 of the *Ontario Land Tribunal Act, 2021*."

Dated at Toronto, this 15th day of August, 2022.

METROLINX

Name: Sherrie Barns

Title: Director (A), Property Acquisitions

I have authority to bind the Corporation.

NOTICE OF ELECTION

Form 8

Expropriations Act, R.R.O. 1990, Reg. 363

PIN	21200-0	047 ((LT)	١

To:

Metrolinx

97 Front Street West

Toronto, Ontario M5J 1E6

Attention: Director, Legal Services

I/We being the registered owners of land expropriated by Metrolinx and described as Part(s) 1, 2, 3 and 4 on a Plan of Expropriation registered on July 27, 2022 as No. AT6141643 in the Land Registry Office of the Land Titles Division of Toronto (No. 66)

Name of registered owner(s)			r(s)	Signature of registered owner(s)		
	_	~ ~	r Canada (also known as rreau de L'Ontario)			
Dated at		•	, this day of	, 2022.		
		(d)	* *	by a regulation made under specified by the regulation.	section 8.1	
•		(c)	as of the date on which expropriation; or	n I/we was/were served with t	he notice of	
		(b)	as of the date of the re	gistration of the plan; or		
COLY		(a)	where there has been a date the notice of hear	hearing under section 7 of thing was served:	ne Act, as of the	
hereby elec box)	t to have	the cor	npensation to which I/we	am/are entitled assessed: (ch	eck appropriate	

NOTICE OF POSSESSION

Form 9

Expropriations Act, R.R.O. 1990, Reg. 363

PIN 21200-0047 (LT)

To: The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario)
130 Queen Street West
Toronto, ON M5H 2N6

The Law Society Of Upper Canada (also known as Law Society of Ontario Barreau de L'Ontario) Office of General Counsel 130 Queen Street West Toronto, ON M5H 2N6

TAKE NOTICE:

- 1. That Metrolinx requires possession on **November 30, 2022** of the lands expropriated from you and defined as Part(s) 1, 2, 3 and 4 on the Plan of Expropriation registered on July 27, 2022 as No. AT6141643, in the Land Registry Office of the Land Titles Division of Toronto (No. 66).
- 2. That you or the expropriating authority may upon such notice as the judge directs, apply to a judge for an adjustment of the date for possession specified in this notice, and the judge, if he or she considers that under all the circumstances the application should be granted, may order that the date for possession shall be on such earlier or later date as is specified in the order.

Dated at Toronto, this <u>15th</u> day of August, 2022.

METROLINX

Name: Sherrie Barns

Title: Director (A), Property Acquisitions

I have authority to bind the Corporation.

This is Exhibit "N" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury





Ontario Line Osgoode Station

Executive Summary

- The Ontario Line will link directly to Line 1 at Osgoode Station, giving customers an important connection to and from the existing subway network and with Exhibition Station is the 3rd busiest station on the Ontario Line.
- The new station entrance of the future Osgoode Station, situated at the northeast corner of Queen St W and University Ave, will create the needed capacity for an increasing number of passengers.

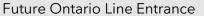
Problem Statement:

Stakeholders on and around the Osgoode Hall property have expressed strong concerns in ensuring there are **no impacts** to the property.

Mitigation:

After reviewing multiple alternatives, this location serves as the right solution from a technical, construction, customer experience and heritage.

- The means and methods of the construction and operations of this station will ensure businesses, tenants and the judiciary continue to operate with no disruption.
- Although heritage and vegetation modifications will be required with this selected location, the impacts are less significant than the complete loss of heritage features at alternative sites such as utilizing the Campbell House property.





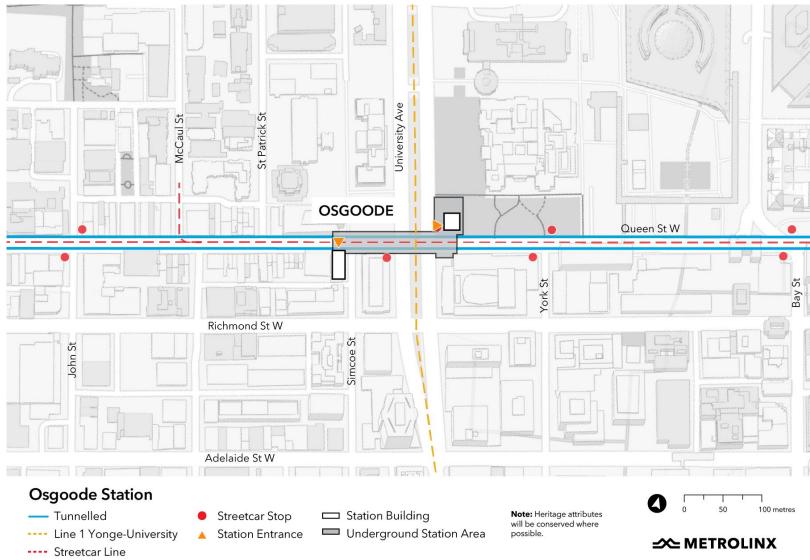
Existing Osgoode Station Entrance





Osgoode Station Overview

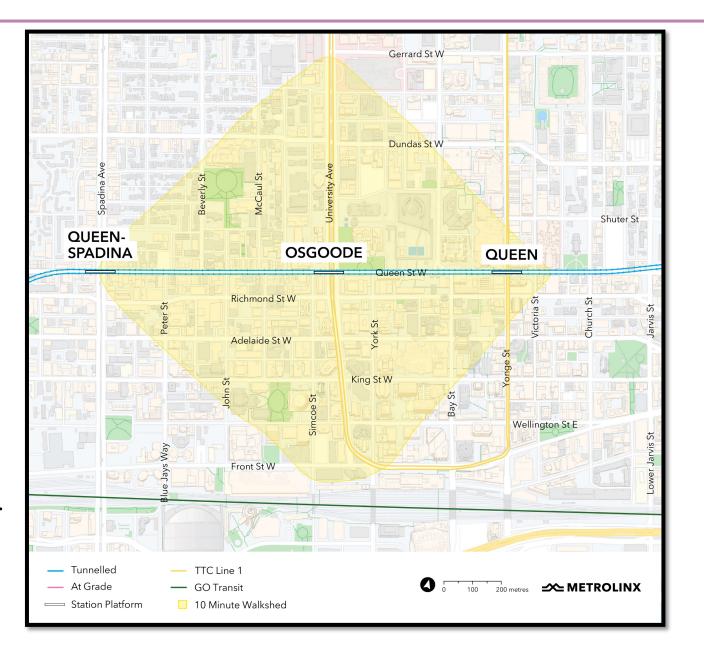
Osgoode Station Overview Map



Osgoode Walkshed Analysis Estimated peak-hour ridership

- 12,000 in total
- 3,000 boardings
- 9,000 alightings
- 5,700 transfers to/from TTC Line 1
- 1,000 transfers to/from surface transit

Serving the Entertainment District, Financial District, Kensington-Chinatown and Grange communities, 16,500 residents and 110,500 jobs will be within a comfortable 10-minute walk.





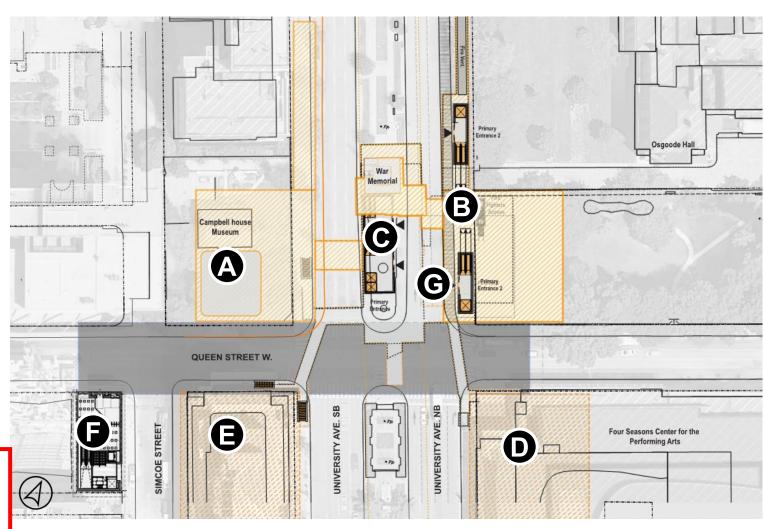
Osgoode Station Context and Assessed Alternatives

Osgoode Station Context and Assessed Alternatives

The following alternative entrance configurations were considered in the planning and design process:

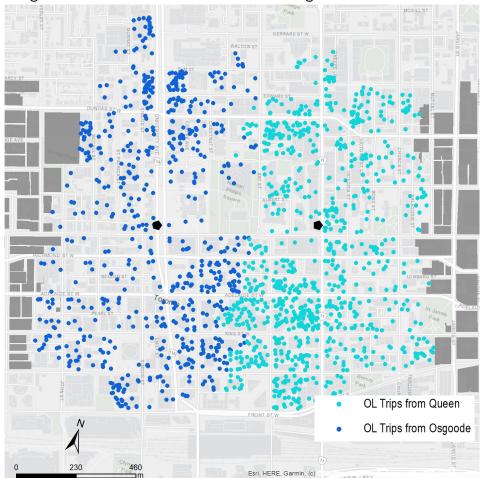
- A. Campbell House
- B. East Side Boulevard
- C. Median
- D. Four Seasons
- E. SW Corner
- F. Simcoe Only
- G. TOcore/Community Proposal

A common challenge was the lack of available land of suitable size to meet the construction keyhole, staging and laydown requirements.



Estimating the Origins and Destinations

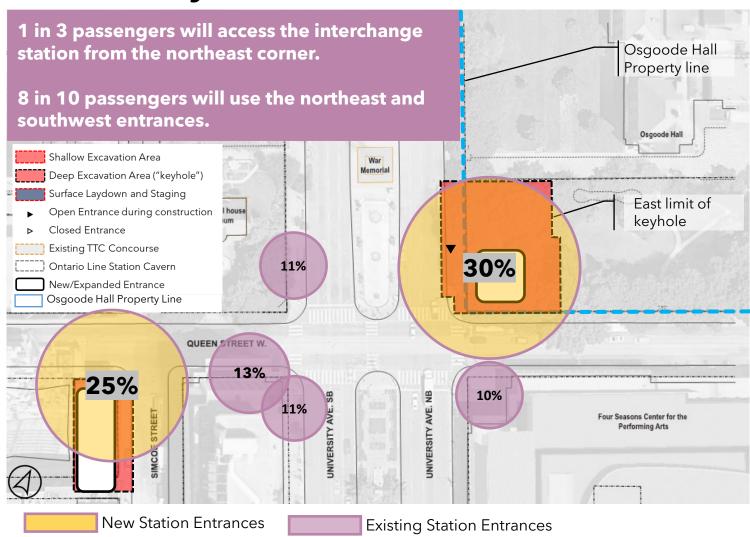
Origin-Destination Plot for Queen and Osgoode Stations in 2041



1 dot = 20 trip origin/destinations in the 2041 AM peak hour

- Passenger origins/destinations in the downtown core are roughly evenly split between Queen and Osgoode stations
- At Osgoode in 2041:
 - 16,500 residents and 110,500 jobs will be within a
 10 minute walk of Osgoode interchange station
 - 12,000 riders per hour will use the station
 - Approx. 1000 riders per hour will be people transferring to/from the Queen streetcar

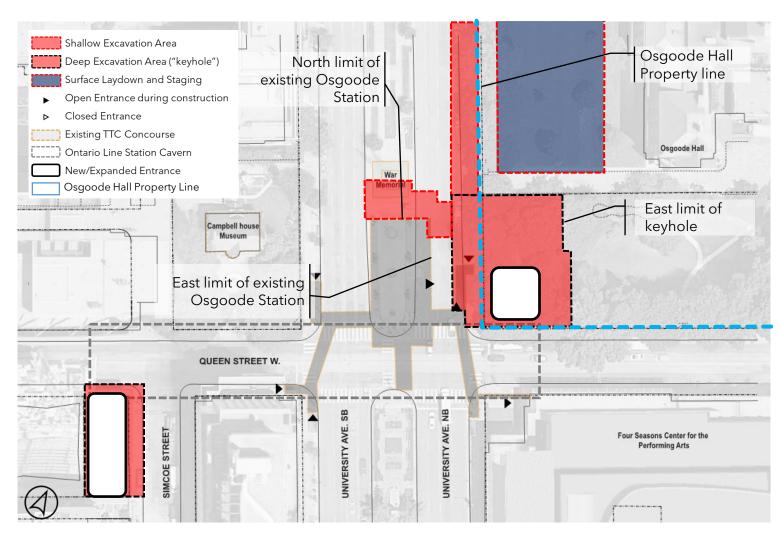
Demand by Entrance



The existing northeast entrance (shown below and represented by a black triangle on the plan view) is inadequate to meet projected demand, consistent with TTC's conclusions during the Relief Line preliminary design phase

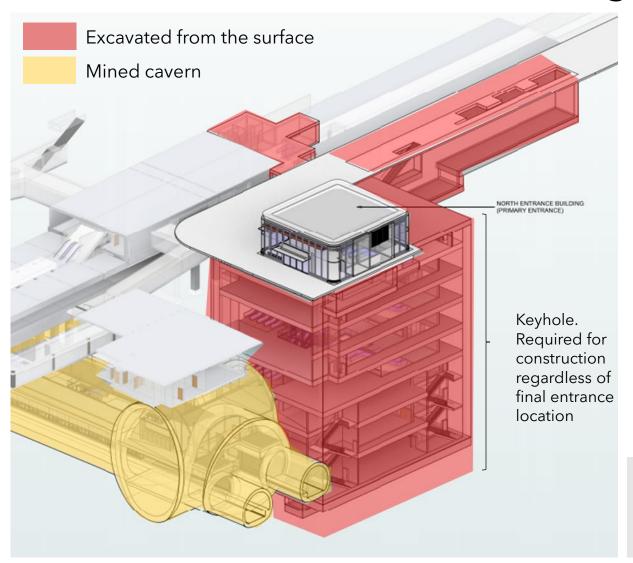


Current Plan



- Headhouse location is relatively flexible
- Keyhole dimension (34 x 40 m) is relatively fixed by construction access requirements and ultimate fit-out spacing (for escalators, elevators, fire ventilation, firefighter access, traction power, etc.)
- Keyhole offset 6-7 m from the existing Osgoode Station structure to reduce risk of compromising the structure during construction of the keyhole

Construction Considerations for Osgoode Entrance Location

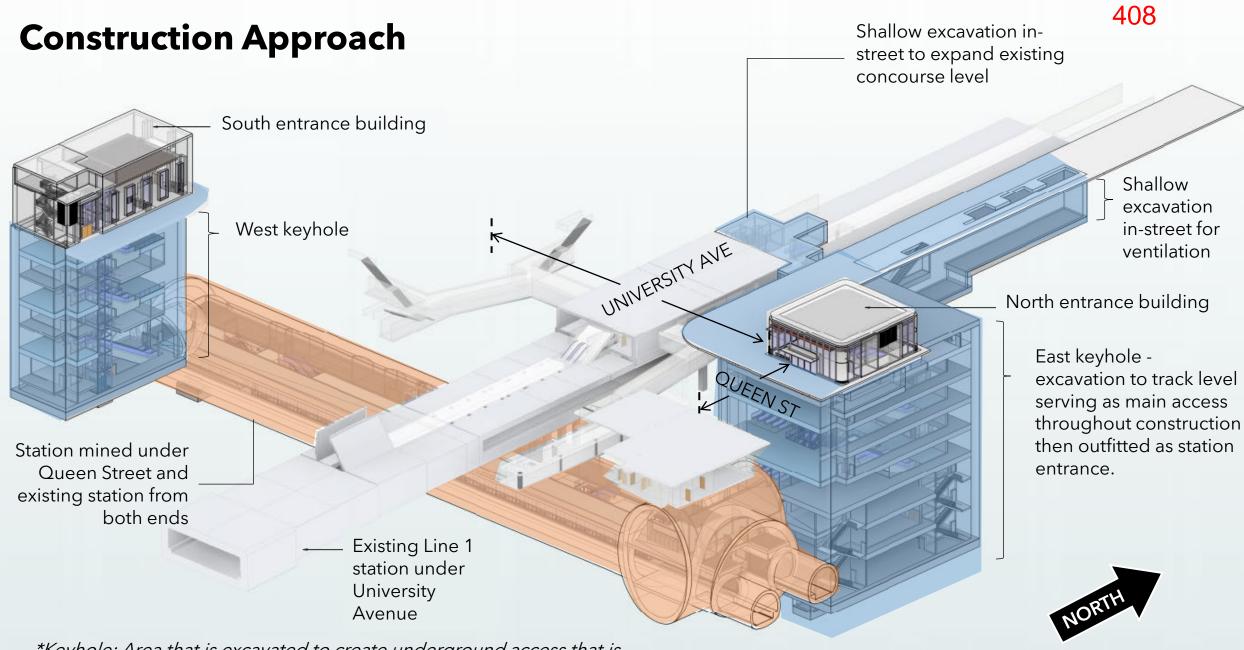


Regardless of the size and placement of the station entrance building, three requirements remain constant:

- 1. The existing northeast sidewalk stair entrance must be upgraded to meet passenger demand and for accessibility
- 2. To mine the portion of the station under Queen Street, a keyhole* is required to access the mining operation
- 3. A laydown area is required immediately adjacent to the keyhole to support the operation.

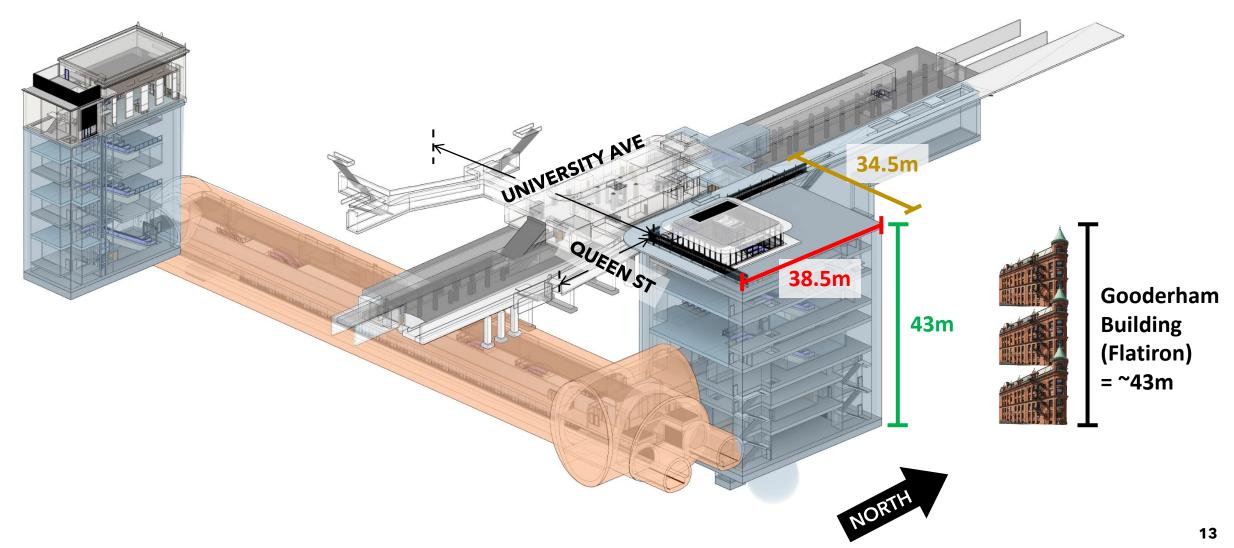
Osgoode Hall is the only space at Osgoode Station that provides contiguous space for both the keyhole and laydown area.

*A keyhole is the name of an excavation pit to the future platform and concourse level. At Osgoode, the keyhole is constrained by site constraints and has been reduced to a minimum 28 x 41 metres, 1115 m2



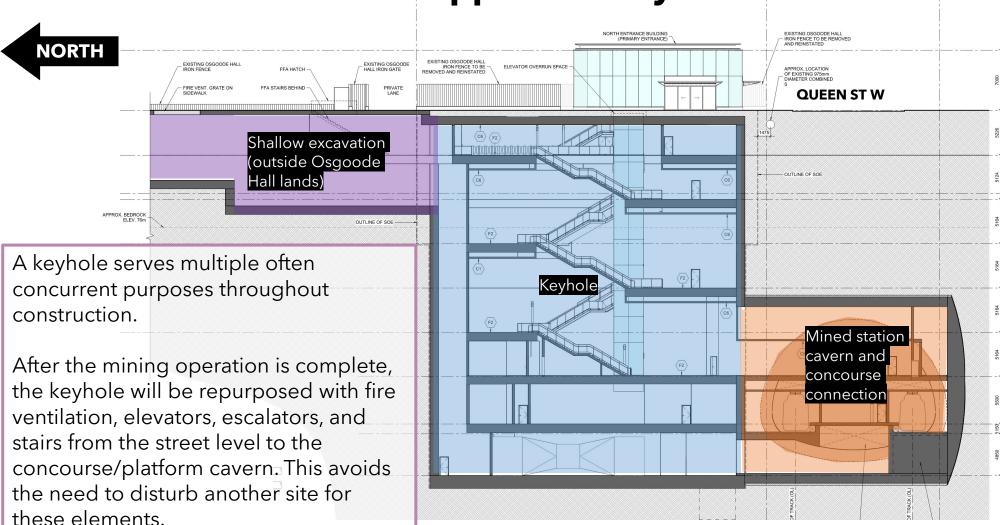
*Keyhole: Area that is excavated to create underground access that is necessary to proceed with subsurface construction on subway infrastructure.

Osgoode Station: Keyhole Dimensions



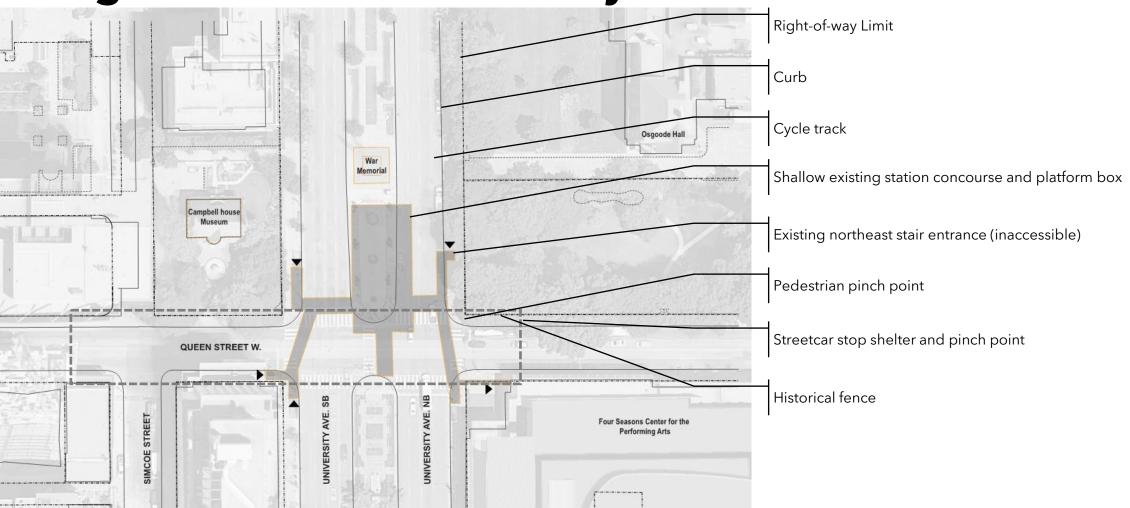


Construction Needs and Approach: Keyhole





Design Constraints: University Avenue



Design Constraints: Line 1 Infrastructure

University Ave Cross-section (Looking North) ~1 m cover over existing station PROPERTY concourse <15 m clearance to Osgoode UNIVERSITY AVENUE Hall property line **OSGOODE** HALL FENCE CAMPBELL **HOUSE FENCE** MEDIAN **NORTHBOUND SOUTHBOUND SIDEWALK** 110 m -LINE 1 CONCOURSE 16.0 m $14.7 \, \mathrm{m}$

16

Community Proposal Response: Osgoode Plaza/TOcore

- TOcore is a long-term vision for the city that is still in a conceptual stage. It would take several years to move through council, if approved, and conduct further analysis regarding a potential plaza park.
- Expediting redesign of University Avenue is not supported by the City at this time.
- Construction on the Ontario Line is moving swiftly in order to deliver much-needed transit.
- The discrepancy between timelines for the Ontario Line and the TOcore concept was identified in 2021 when teams first investigated the possibility of constructing the north entrance building in an expanded eastern boulevard on University Avenue.
- This timeline discrepancy was again confirmed while investigating the feasibility of the community proposal presented at the April 14, 2022, community meeting.
- As a result, Ontario Line construction cannot rely on the implementation of TOcore's concept in the time needed to construct the project.

Next Steps

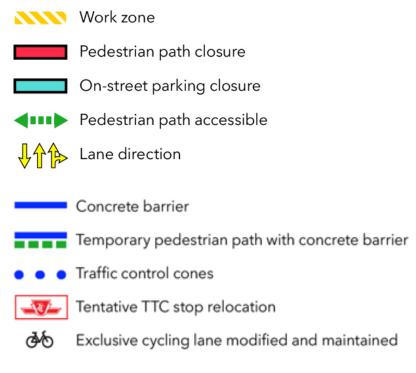
- Support the City on the independent, third-party review of Osgoode station
- Convene first official meeting of Osgoode CLC for ongoing, structured engagement:
 - o Determine meeting cadence, logistics, etc.
 - o Receive feedback on Draft Terms of Reference
 - Share further details about upcoming work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

△ METROLINX

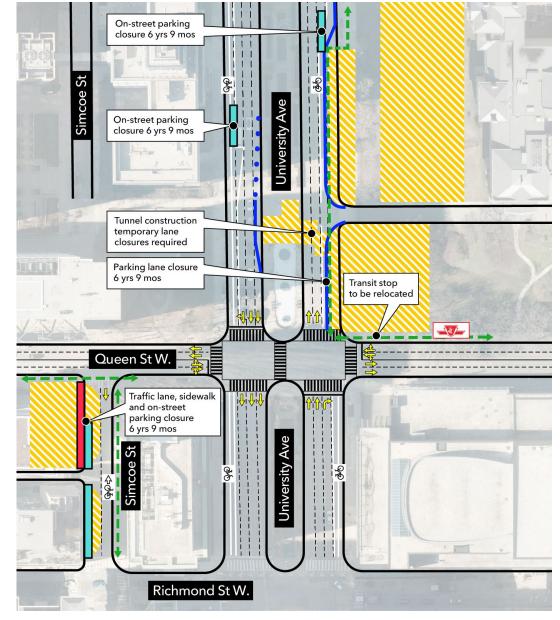


Appendices

Traffic impacts | Osgoode Station area

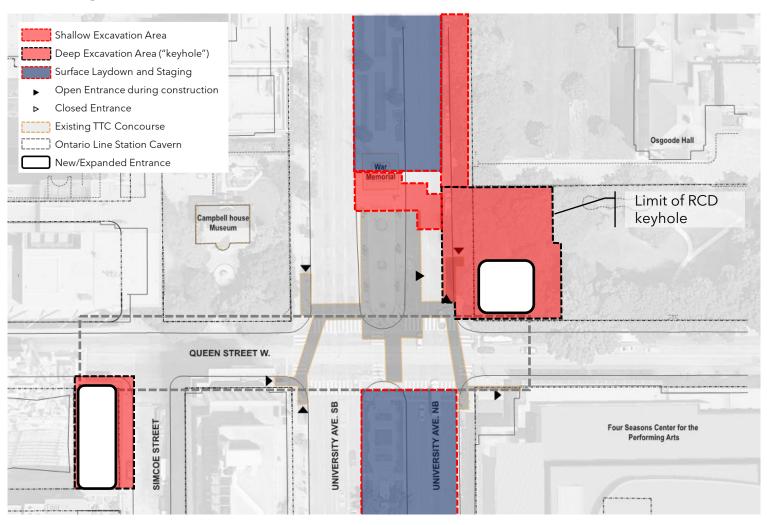


Note: This map depicts impacts that last longer than 365 days





Can laydown be shifted to the street?

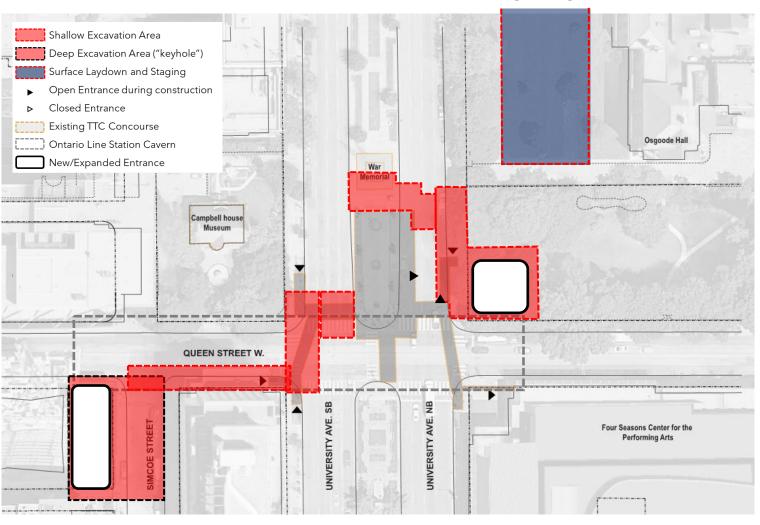


 Temporary occupation of northbound lanes and boulevard for construction staging

Challenges & Risks:

- 6-8 year closure of traffic lanes, cycle track, and/or sidewalks
- Less efficient construction arrangement may result in delays

What if the south entrance were the only keyhole?



 Temporary occupation of northbound lanes and boulevard for construction staging

Challenges & Risks:

- 150 m walk from northeast corner to Simcoe access to OL
- Lack of suitable laydown area near Simcoe Street
- Schedule delay mining from one end
- Potentially significant change to downtown tunneling strategy - cost and schedule impacts
- Open cut tunnel along Queen Street to extend Line 1 concourse to OL entrance

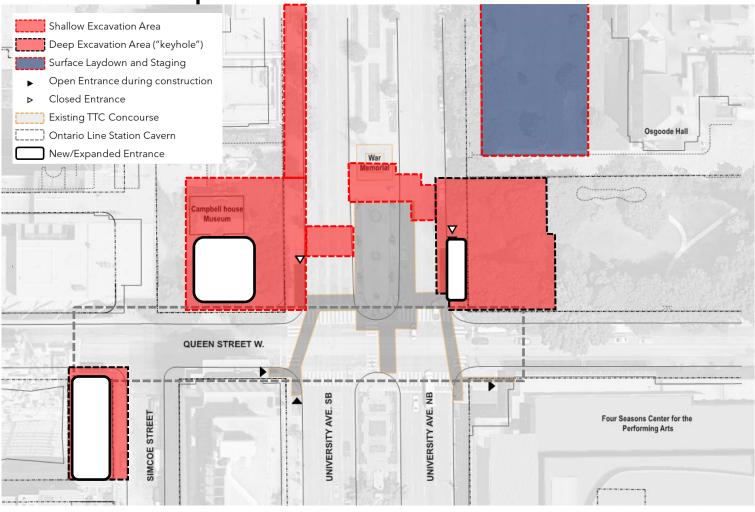
Fatal Flaw: Minimum two emergency egress routes required from the OL platform. Does not meet mechanical and fire ventilation requirements.



Alternative Locations Assessed



A - Campbell House



- New fully accessible entrance building on Campbell House property - connection to Line 1 via new passageway
- Expanded northeast stair required to meet passenger demand (not accessible)
- Campbell House site too small to accommodate both keyhole and laydown activities - Osgoode Hall grounds still required for circulation to Ontario Line concourse

Challenges & Risks:

- Accessible entrance location is inconsistent with customer demand - 1 in 10 wish to use NW corner
- Expanded northeast stair may not meet passenger demand (3 in 10 passengers), inaccessible, and will block a significant area of the sidewalk
- Inconsistent with City public realm ambitions
- Safety concerns associated with increased pedestrian; crossings
- Relocation of westbound streetcar stop to farside is inconsistent with TTC policy (safety)
- Campbell House relocation and removal of public green space
- Poor passenger circulation and wayfinding
- Significant cost premium and potential schedule risks
- Additional traffic lane closures
- Complex staging to maintain Line 1 access during construction
- Utility conflicts
- City has a 99 year lease of Campbell House lands

B - East Side Boulevard



- Requires temporary use of Osgoode Hall for construction and permanent underground easement for station infrastructure
- Two new accessible entrances in the east sidewalk
- Construction impact to Osgoode Hall comparable to base case

Challenges & Risks:

- Poor streetcar transfer and wayfinding
- Expanded northeast stair will block a significant area of the sidewalk
- Inconsistent with City public realm ambitions
- Entrances conflict with tunnel ventilation strategy

Fatal Flaw: Entrances and below-grade circulation does not meet projected demand. Consistent with TTC conclusions during Relief Line South preliminary design phase.

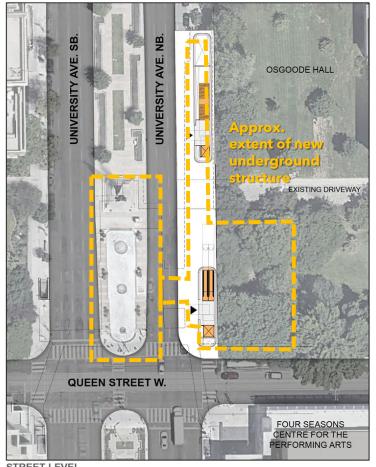
Relief Line 15% Design (2018)

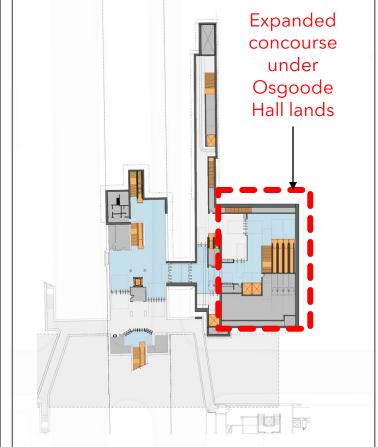
TTC Relief Line 15% Design Study (2018)

The TTC explored a similar concept as part of the 15% design of the Relief Line Osgoode Station

The 15% design submission carried the sidewalk entrance concept but would require the concourse level be expanded into Osgoode Hall similar footprint as proposed by Ontario Line.

TTC 15% Design of Osgoode Station Northeast Entrance





CONCOURSE LEVEL

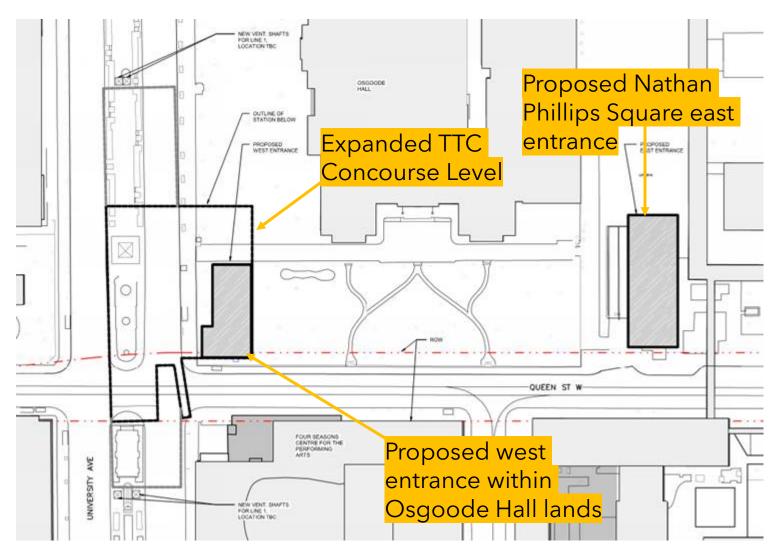
STREET LEVEL

Relief Line 30% Design (2019)

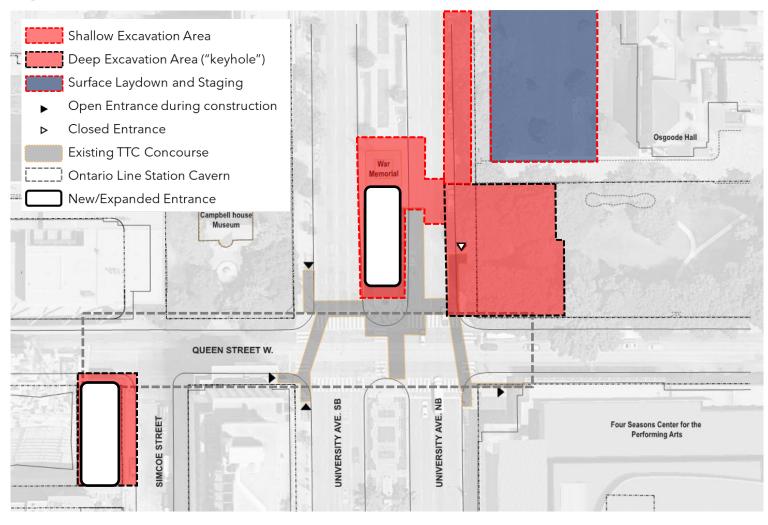
As part of this next phase of design, the TTC conducted detailed pedestrian modelling.

The study concluded that the sidewalk entrance configuration would not be sufficient to meet projected demand.

Note: This design process was cancelled following the provincial subways announcement, before the 30% submission and consultation could occur.



C - Median



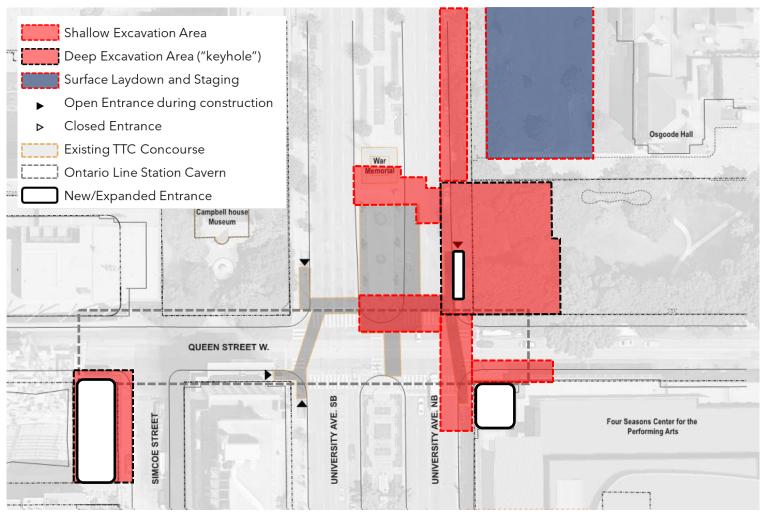
- Northeast stair replaced with accessible entrance in the existing median to Line 1 concourse level
- TTC concourse modifications to expand capacity
- Connection to Ontario Line vertical circulation under Osgoode Hall green space
- Construction impact to Osgoode Hall comparable to base case

Challenges & Risks:

- Conflict with TOCore vision
- Poor streetcar transfer and difficult for pedestrians to access - all users must cross University Ave
- Safety concerns associated with increased pedestrian crossings
- Maintaining Line 1 operations during construction
- Permanent relocation of War Memorial
- Capacity and fire code compliance (potential fatal flaw)

Fatal Flaw: Impacts to Line 1 during construction

D - Four Seasons

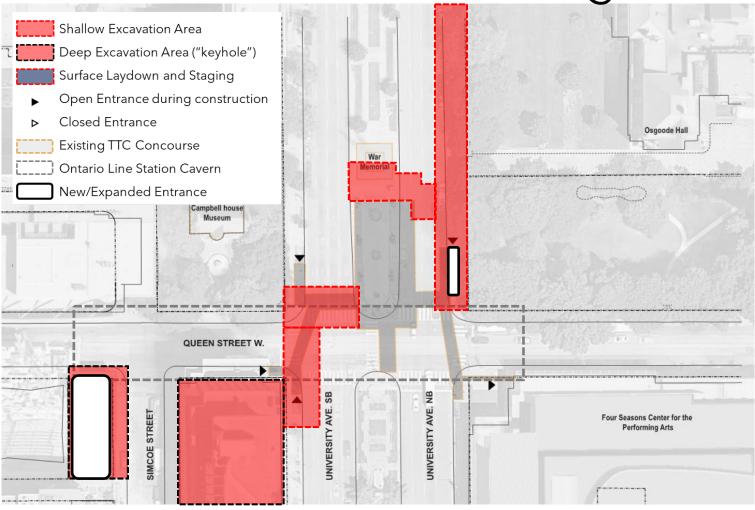


- Expand existing Four Seasons entrance and passenger tunnel capacity to Line 1 concourse
- TTC concourse modifications to expand capacity and connect to Ontario Line vertical circulation under Osgoode Hall green space
- Expanded northeast stair required to meet passenger demand (not accessible)
- Construction impact to Osgoode Hall comparable to base case

Challenges/Risks:

- Safety concerns associated with increased pedestrian crossings
- Accessible entrance is inconsistent with customer demand - 1 in 10 wish to use this corner
- Expanded northeast stair may not meet passenger demand (3 in 10 passengers), inaccessible, and will block a significant area of the sidewalk
- Inconsistent with City public realm ambitions
- Purpose-built Four Seasons structure designed to isolate ground borne noise and vibration
- Deep excavation adjacent to the Four Seasons not feasible - additional cut and cover along Queen Street to connect with northeast keyhole
- Conflict with main entrance to Four Seasons
- Significant cost

E - Bank of Canada Building



- Integration of entrance into building at southwest corner of University and Queen intersection (Bank of Canada Building)
- Widening of existing passageways to meet fire code
- Expansion Line 1 concourse north to connect to expanded northeast stair
- Demolition of the Bank of Canada Building (250 University) for keyhole and laydown an 8 storey heritage building

Challenges/Risks:

- Safety concerns associated with increased pedestrian crossings
- Accessible entrance is inconsistent with customer demand
- Expanded northeast stair may not meet passenger demand (3 in 10 passengers), inaccessible, and will block a significant area of the sidewalk
- Inconsistent with City public realm ambitions
- Safety concerns associated with increased pedestrian crossings
- Heritage impact
- Additional street and utility impacts
- Poor wayfinding and passenger circulation
- Fire and life safety risks
- Cost and schedule impact

Fatal Flaws:

Lack of suitable laydown area



F - Simcoe Only Shallow Excavation Area Deep Excavation Area ("keyhole") Surface Laydown and Staging Open Entrance during construction Closed Entrance Existing TTC Concourse Ontario Line Station Cavern New/Expanded Entrance JNIVERSITY AVE. NB STREET

- Shallow excavation for northeast stair expansion to Line 1 concourse level
- Access to Ontario Line via circulation from Simcoe entrance
- New and expanded passageway connecting Simcoe entrance to Line 1 concourse

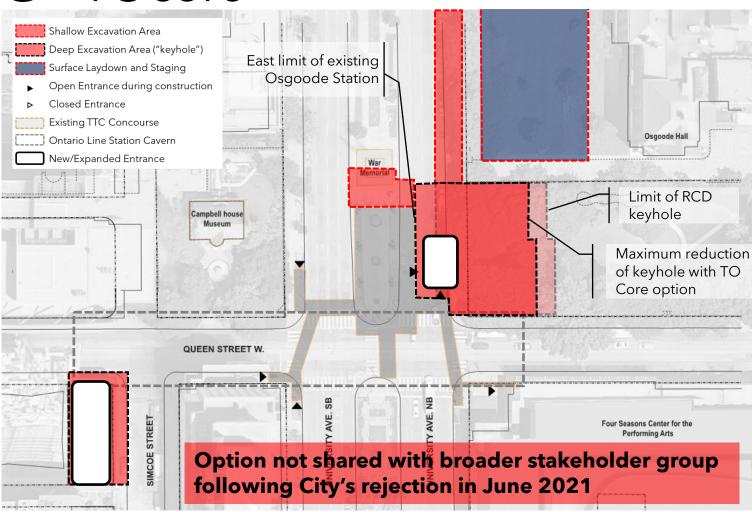
Challenges & Risks:

- Poor circulation and wayfinding up to 100 m longer transfer for majority of riders
- Poor distribution of passengers to Ontario Line endloading
- Safety concerns associated with increased pedestrian crossings
- Accessible entrance is inconsistent with customer demand
- Expanded northeast stair may not meet passenger demand (3 in 10 passengers), inaccessible, and will block a significant area of the sidewalk
- Inconsistent with City public realm ambitions
- Additional street and utility impacts
- Entrances too close to tunnel ventilation
- Simcoe site too small for keyhole and no suitable laydown area adjacent to site
- Schedule impacts mining from east end only

Fatal Flaws:

 Minimum two emergency egress routes required from the OL platform. Does not meet mechanical and fire ventilation requirements.

G - TOcore

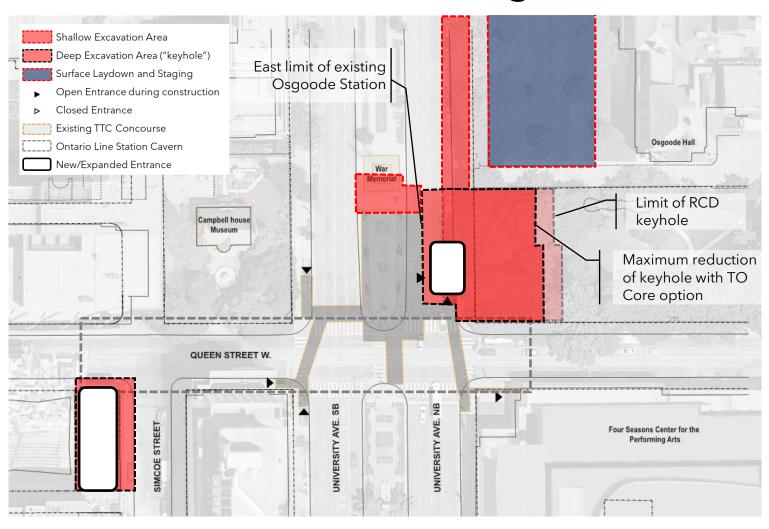


- North entrance building shifted into widened east boulevard
- Still requires temporary use of Osgoode Hall for construction
- Reduction in lands required in Osgoode Hall grounds for keyhole and underground circulation limited by existing station structures
- Would permit full fence re-instatement, limited tree replanting due to shallow station circulation structure under lawn

Challenges & Risks:

- TOcore is a City-led initiative and is conceptual; planning and approvals timelines not aligned with Ontario Line construction
- Entrance in boulevard may not meet City's TOcore vision
- Impact to current utility relocation plan
- Proximity to existing station SOE must be designed to protect existing subway box
- Permanent lane closures on University Ave

TOcore Construction Challenges

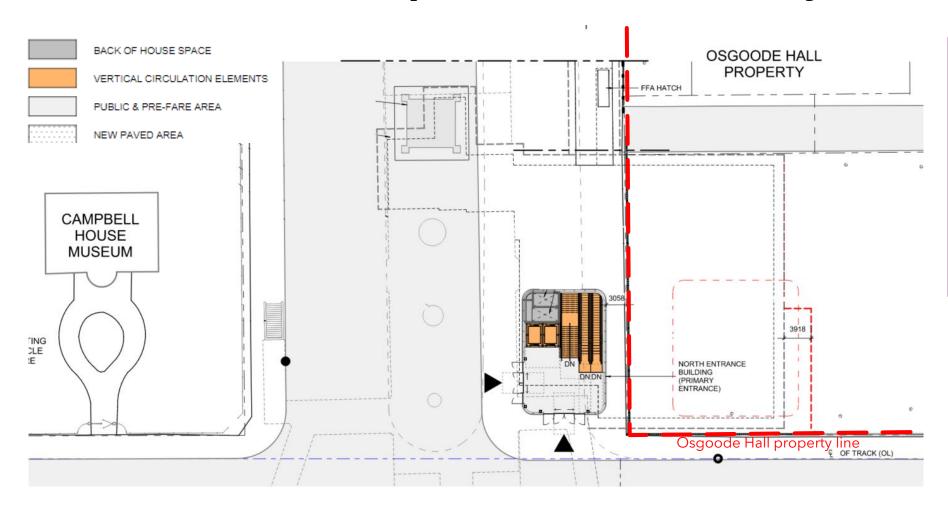


Headhouse location is relatively flexible

Keyhole is less flexible:

- Length and width set by construction access requirements and vertical circulation (escalators and elevators) and fire ventilation
- 2. Lateral shift west out of Osgoode Hall is limited to <4m from current east limit due to location of existing station

North Entrance in Expanded East University Boulevard



This alternative location was explored in early 2021, assuming a widened eastern boulevard as part of the TO Core concept.

It was determined that the projected timeline needed to implement the concept did not align with the Ontario Line delivery timeline.

Community Proposal: Osgoode Plaza (adapted from TOcore University Avenue Park concept)

Consistent with Option G considered in Spring 2021

Benefits

- Avoids permanent surface structures in Osgoode Hall
- Full re-instatement of fence after construction
- Potential to catalyze the realization of the vision set out in TOcore
- May reduce the construction-phase impact to Osgoode Hall

Challenges

- Municipal buy-in: the City advised Metrolinx that they would not support this solution when first proposed by Metrolinx in June 2021
- Significant schedule impacts changing course in June 2022 vs June 2021
- Construction-phase impact comparable
- Underground structures still extend under Osgoode Hall grounds, limiting tree replanting



FIG. 1: ENLARGED AND ENHANCED PEDESTRIAN REALM AT LANDMARK INTERSECTION (UNIVERSITY & QUEEN)

Source: Community Proposal for Osgoode Station (Osgoode Plaza)

TOcore



- The idea to advance the TOcore vision to minimize impact on Osgoode Hall was initially explored starting in 2020
- In June 2021, the City advised Metrolinx that the envisioned realignment of University Avenue was not in their near-term plans
- Should City support be secured, the planning, design, and approvals process would introduce a schedule risk to OL delivery



Summary of Osgoode Station Engagements

Summary of Meetings

Meetings with the Law Society of Ontario:

- July 28, 2020
- August 11, 2020
- December 14, 2020
- February 12, 2021
- April 6, 2021
- June 23, 2021
- August 9, 2021
- December 2, 2021
- January 24, 2022
- January 26, 2022
- February 18, 2022
- April 7, 2022

Meetings with other groups interested in Osgoode Station:

- (Former) MP Vaughan:
 - April 13, 2021
 - June 7, 2021
 - August 3, 2021
- MPP Glover:
 - June 17, 2021
- Councillor Cressy's Office:
 - June 17, 2021
- Councillor Wong-Tam:
 - June 17, 2021
- Osgoode Station Community Meetings*:
 - April 14, July 24, Aug 9, 2022

*Attendees included:

- MAG
- MHSTCI
- Infrastructure Ontario
- City of Toronto
- TTC
- Councillor Cressy's Office
- Councillor Wong-Tam's Office •
- Law Society of Ontario
- Court of Appeal for Ontario
- Superior Court of Justice

- Campbell House Museum
- Canadian Opera Company
- Architectural Conservancy of Ontario
- Federation of South Toronto Residents Associations
- Grange Community
 Association
- Financial District BIA
- Queen Street West BIA

- Campbell House Museum:
 - December 17, 2020
 - January 17, 2022
- Grange Community Association:
 - April 14, 2021
- OCAD University:
 - January 18, 2022
- Financial District BIA:
 - January 13, 2021
 - September 15, 2021
 - February 2, 2022
 - March 14, 2022
- Toronto Downtown West BIA (formerly Toronto Entertainment District BIA):
 - May 19, 2021
- Queen Street West BIA:
 - July 16, 2021
- Downtown BIAs group:
 - February 16, 2022
 - City of Toronto:
 - March 2021
 - October 14, 2021



^{*}Some meetings also included other Osgoode Hall tenants and stakeholders, such as the Court of Appeal for Ontario and Superior Court of Justice for Ontario

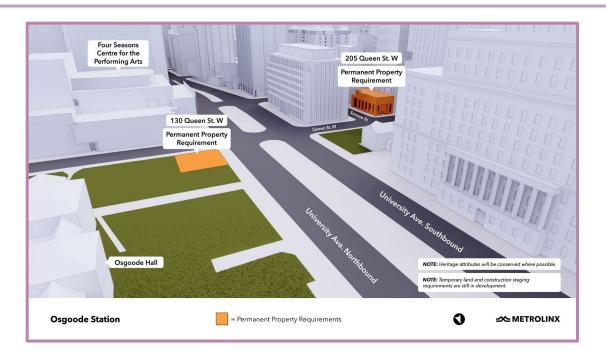
Summary of Engagements

Seven public **virtual open houses** hosted that included information on Osgoode Station and the opportunity to submit questions to an expert panel:

- April 26, 2021
- June 17, 2021
- October 7, 2021
- November 23, 2021
- November 25, 2021
- March 1, 2022
- March 3, 2022



Screen capture from June 17, 2021, virtual open house



Updates on station plans, including the entrance building locations, have been regularly communicated across these engagements and on the **Metrolinx Engage** website.

For example, last June, we released maps that outlined station footprints (pictured above), followed by more detailed maps and construction plans this February alongside the release of the Environmental Impact Assessment Report. We also released station renderings showing how we would incorporate design treatments and landscaping into station plans this past March.



Station Location Selection

Station and Alignment Location - Key Criteria

Local Businesses



Limit impact to businesses and employees during construction and operation of the station



Travel Time & Connectivity

Reduce time to access station and transfer to/from streetcar and bus services by minimizing station depth and locating the entrance(s) near existing stops

Community



Consider how the station will serve as a neighborhood hub at the historic Queen and University intersection for future generations and work to limit overall community impact during construction



Environment and Heritage

Consider heritage, tree canopy and other possible mitigations. Also, consider energy use, pollution, and impact to quality of life and public health

Transit and Traffic Impact



Avoid disruptive underground utility relocations requiring road occupancy where possible

Deliverability

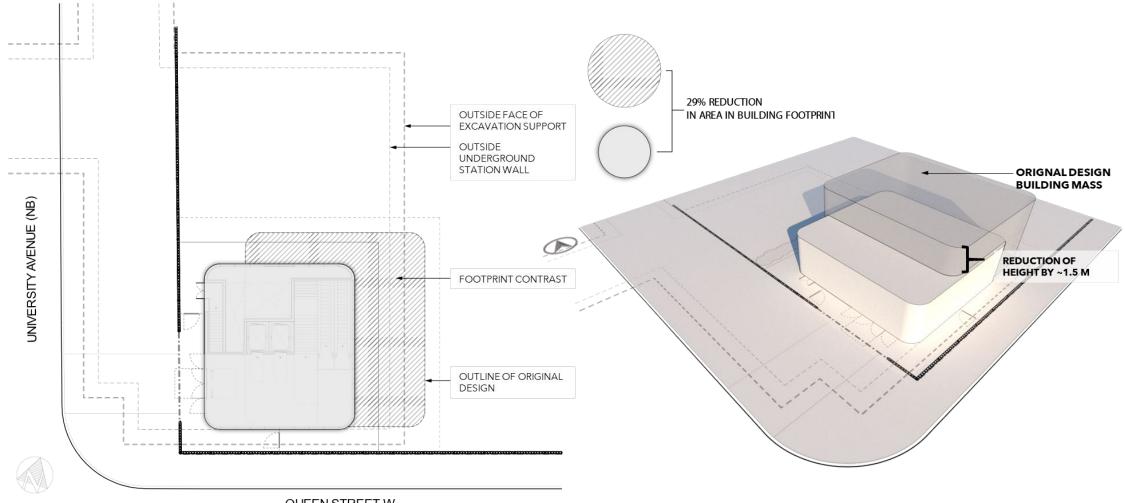
Limit construction complexity to reduce risk. Consider the station's construction sequence with the overall construction schedule



Construction Needs and Approach



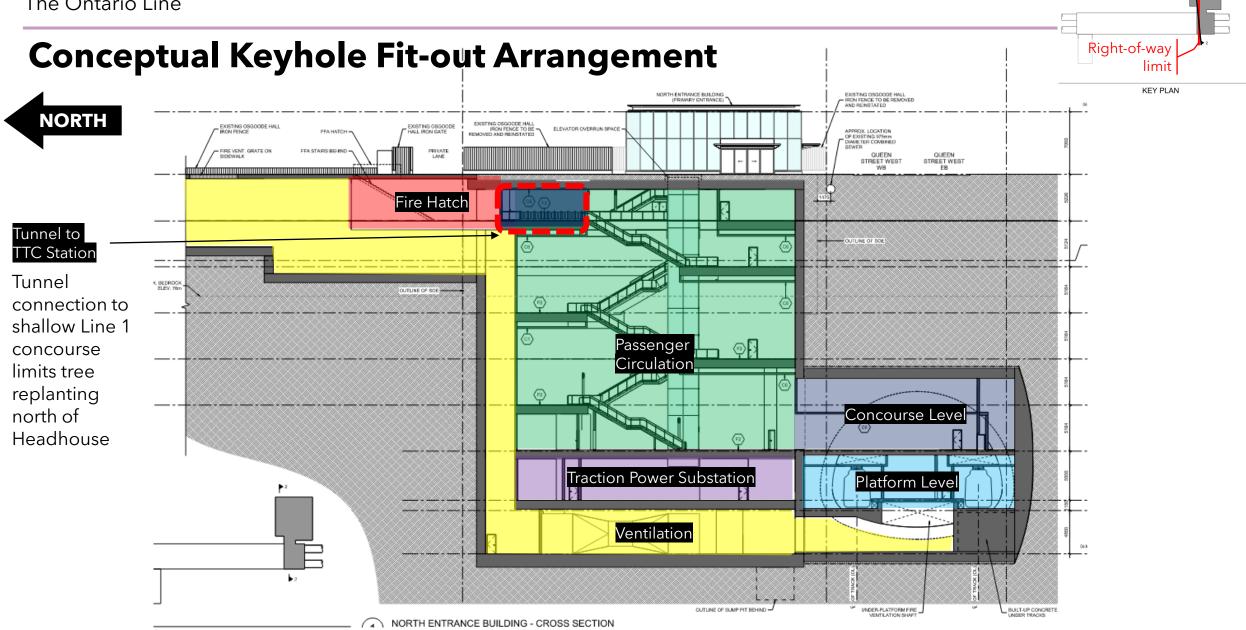
Changes to Optimize the Osgoode Site



QUEEN STREET W.

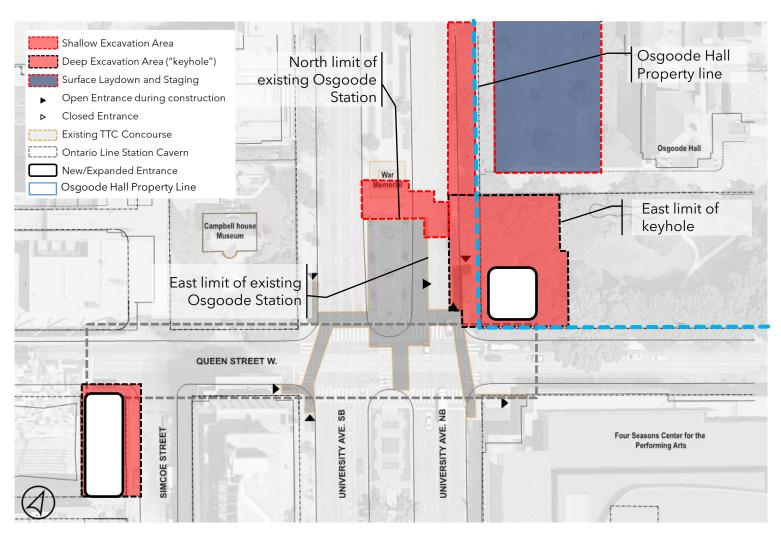
ENTRANCE ALTERNATIVE LAYOUT | STREET LEVEL PLAN





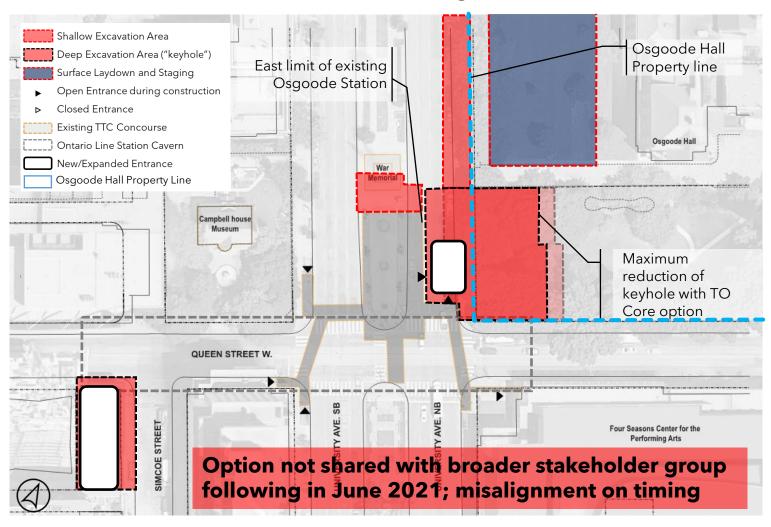
Cross-section

Current Plan



- Headhouse location is relatively flexible
- Keyhole dimension (34 x 40 m) is relatively fixed by construction access requirements and ultimate fit-out spacing (for escalators, elevators, fire ventilation, firefighter access, traction power, etc.)
- Keyhole offset 6-7 m from the existing Osgoode Station structure to reduce risk of compromising the structure during construction of the keyhole

Headhouse Location vs Keyhole Location



- Headhouse can be moved into the University Avenue right-of-way by shifting elevators and escalators east of the headhouse under Osgoode Hall grounds
- Lateral shift west out of Osgoode
 Hall is limited to ~3.5m from
 current east limit due to location
 of existing station additional
 structural measures would be
 required to protect the existing
 station during construction



Heritage Impacts and Osgoode Station

Cultural Heritage Resources

Metrolinx is working to minimize impacts of the Ontario Line to heritage properties and landscapes, including developing designs that integrate the new subway with nearby heritage resources.

Measures to avoid impacts to heritage resources

 Avoiding identified heritage resources is the preferred mitigation option to reduce potential negative impacts that may result from the Project.

Measures to reduce impacts to heritage resources

- Minister's Consent is a process required under the Ontario Heritage Act for prescribed public bodies, whereby potential impacts to a Provincial Heritage Property of Provincial Significance are reviewed and conditions are issued by the Minister to mitigate adverse impacts.
- Metrolinx has collaborated closely with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) to obtain Minister's Consent for each site identified as a Provincial Heritage Property of Provincial Significance (O.Reg. 10/06).
 - University Avenue Cultural Heritage Landscape
 - South African War Memorial
 - Osgoode Hall Landscape and Built Features
- For properties not subject to Minister's Consent Conditions, such as 205 Queen Street (CIBC building), mitigation measures have been prepared according to the established framework within the ECR Cultural Heritage Report (2020).



Photo: Osgoode Hall Fence Source: Stantec



Photo: University Avenue Median

Source: Stantec

Minister's Consent Conditions: University Avenue, South African War Memorial & Osgoode Hall

- <u>Qualified Persons:</u> Work on the grounds and built features of Osgoode Hall, the University Avenue Cultural Heritage Landscape and South African War Memorial is being overseen by a team of cultural heritage specialists, architects and landscape architects who are professional members of the Canadian Association of Heritage Professionals (CAHP)
- Archaeology:
 - Osgoode Hall: Completion of a Stage 2 Archaeological Assessment and further Stage 3 and Stage 4, if recommended. The Stage 2 Archaeological Assessment is planned for Summer 2022.
 - University Avenue: The Stage 1 Archaeological Assessment recommends no further archaeological work for this area.
- <u>Station Design</u>: The above ground portion of the station will be designed to have minimal visual intrusion to the corner and minimal visual obstruction to the Osgoode Hall buildings through adoption of the following:
 - A low building profile and flat roof to reduce impacts to views.
 - Use of glass to reduce impacts to views.
 - The new station shall be visually compatible with and distinguishable from the provincial heritage property.
 - The footprint will be as compact as possible to reduce impacts to landscape and views.
- <u>Interpretation and Commemoration Plan</u>: Metrolinx will work with stakeholders to develop an Interpretation and Commemoration Plan for Osgoode Hall, University Avenue and the surrounding area. The Plan will detail ways in which the history of Osgoode Hall, University Avenue and other historical properties, features and stories will be interpreted and commemorated within or near the station.

Minister's Consent Conditions: University Avenue Cultural Heritage Landscape and South African War Memorial

Minister's Consent Conditions - University Avenue

- <u>Documentation and Restoration Plan</u>: The area will be documented to the standards of the National Park Service's Historic American Landscapes Survey. The documentation will be used to inform the restoration of the University Avenue Median.
 - The Documentation process began in late March 2022.
 - <u>Removal and Storage</u>: All elements of the centre median/boulevard will be dismantled and removed to avoid or minimize damage. The built elements will be appropriately stored to minimize deterioration and to allow for its restoration after construction.

Minister's Consent Conditions - South African War Memorial

- <u>Documentation and Restoration Plan</u>: Documentation is being completed to the standards of the National Park Service's Historic American Engineering Record. The documentation will be used to inform the restoration of the University Avenue Median.
 - The Documentation process began in late March 2022.
- <u>Removal and Reinstallation</u>: A Relocation and Restoration Plan will be developed to outline the best approach to moving the monument to its temporary storage site and its return and reinstallation.



Photo: University Avenue Cultural Heritage Landscape and South African War Memorial

Source: Stantec

Minister's Consent Conditions: Osgoode Hall Built Features

Minister's Consent Conditions - Built Features

- <u>Documentation and Restoration Plan</u>: Built features will be documented to the standards of the National Park Service's Historic American Engineering Record. The built features included in the Documentation and Restoration Plan include the castiron fence (metal portion and stone base) and the cobblestone driveway.
- Removal and Reinstallation:
 - The project will be planned to avoid, to the greatest extent possible, impacts to the fence, striving to remove only the necessary portions. The cast-iron entrance gates (i.e., "cow gates") will be avoided entirely.
 - Metrolinx will work with the Law Society of Ontario and Infrastructure Ontario (IO) Heritage Projects team to coordinate any restoration work for the removed and restored portions of the fence to align with and support the Law Society of Ontario's planned maintenance work.

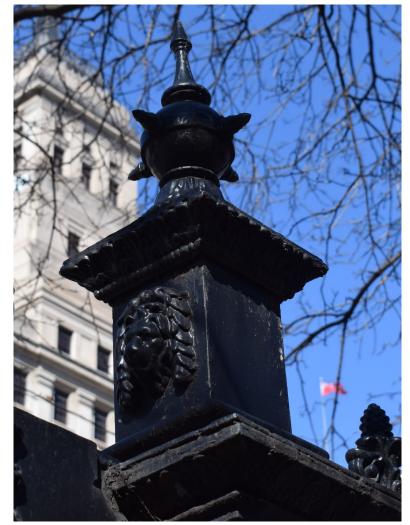


Photo: Osgoode Hall Fence

Finial

Source: Stantec

Minister's Consent Conditions: Osgoode Hall Grounds

Minister's Consent Conditions - Grounds

- <u>Documentation and Pre- and Post-Construction Conditions Assessment:</u> The Hall Grounds will be documented to the standards of the National Park Service's Historic American Landscapes Survey. The documentation will be used to inform the restoration of the grounds in consultation with the Law Society of Ontario and Infrastructure Ontario (IO) Heritage Projects team, when construction is complete
 - The Documentation and the Pre-Construction Conditions Assessment process began in late March 2022.
- <u>Landscape Management Plan</u>: The LMP will outline:
 - how temporary construction impacts to the grounds will be minimized;
 - how impacts to the existing landscape elements will be minimized and provide appropriate strategies for tree removal, seed and specimen retention, re-planting;
 - how new landscape elements and restorative landscaping will best be achieved.
- The LMP will include a strategy for mature trees on the Osgoode Hall property, which may include retention of specimens for future propagation, salvage of material where feasible for incorporation into new landscape elements, and/or interpretative or commemorative displays or other artistic features.



Photo: Osgoode Hall Grounds

Source: Stantec



Photo: Osgoode Hall Grounds

Source: Stantec



Osgoode Hall Grounds: Preserving Trees and Vegetation

In preparation for construction of the Ontario Line, some trees and vegetation will be protected, and others must be removed. The following initial mitigation measures are proposed based on the forthcoming Landscape Management Plan.

Measures to manage impacts to trees and vegetation:

Tree Protection:

• Protective fencing will be installed per City of Toronto Forestry Department Standards

Mature Tree Removal:

- Mature trees within the construction area will require removal.
- Large pieces of wood are to be salvaged and placed in a safe and secure storage facility to be used for commemorative elements.
- Seeds from mature trees will be harvested prior to removal.

Additional Landscape Elements:

- Clippings are to be made of each shrub and perennial, and to be planted at a greenhouse facility off-site.
- The original topsoil from the planting beds is to be removed and stored with the intent of being reinstated.

Landscape Reinstatement:

- Areas disturbed during construction will be restored using native, habitat-appropriate species. Off-site replanting opportunities will be identified to put more trees back in the community.
- Trees will be replaced based on applicable by-laws and Metrolinx Vegetation Guideline (2020), which applies a science-based approach to replant trees that is above and beyond regulatory requirements.



Mature Tree at Osgoode Hall. Source: Stantec

205 Queen Street West (CIBC Building)

The property at 205 Queen Street West did not meet the criteria to be identified as a Provincial Heritage Property of Provincial Significance and is not subject to Minister's Consent Conditions.

The north and east façades will be removed and temporarily stored (in their entirety) in a location that does not impede the public right of way. The façades will be reinstated in their original location following construction, alongside integration of heritage material within the Osgoode south entrance.

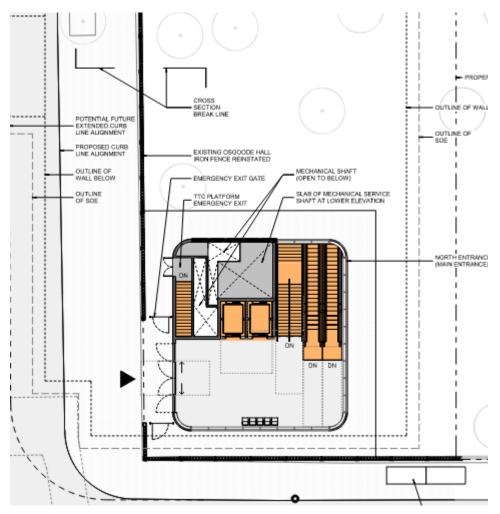
Mitigation Measures for 205 Queen Street West

- Reinstatement of the north, east and partial west return elevations.
- Introduction of new historically appropriate windows.
- Documentation and Salvage of Heritage Attributes and building materials.
- Interpretation and commemoration framework to tie into the greater Interpretation and Commemoration Plan for Osgoode Station.

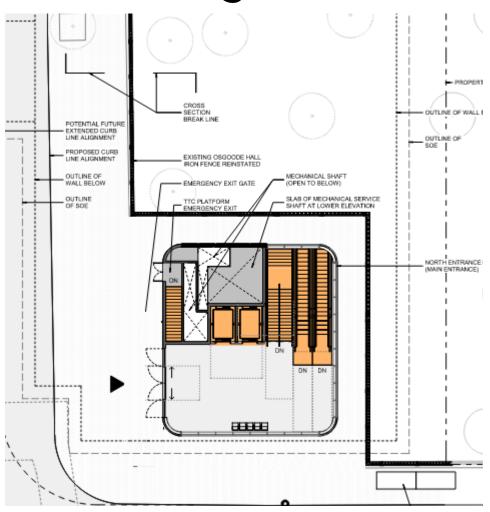


Photo: 205 Queen Street West Source: George Gretes

Fence Reinstatement: Alternative Fence Configurations



Fence opening at west elevation (RCD)



Inverted Fence Option

Potential Heritage Fence Configuration



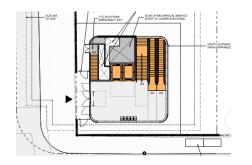


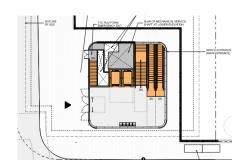
Fence opening close to egress points (RCD)

Inverted Fence Option



Heritage Assessment | Summary





Consideration	Fence opening close to egress points (RCD)	Inverted Fence Option
Impacts	The fence and stone base will be panelized, dismantled, and reinstated with modifications. Landscape including existing trees will be removed at the southwest corner of the 130 Queen Street West grounds.	
Modifications post-construction	This option will reinstate the fence in its original location; with a localized portion of the fence removed for the new station entrance.	This option will reinstate most of the fence in its original location; with a portion of the fence reconfigured to provide a line of separation between the Osgoode Hall grounds and the new station entrance.
Fence Components	Additional fence components required at new opening.	Additional new fence and stone components will be fabricated to match existing as part of the reconfiguration. For instance, new corner posts will be required.
Landscape	Subject to the details of the Landscape Management Plan.	Subject to the details of the Landscape Management Plan.
View from steps of Osgoode Hall	Rear of station with green screening, and fence beyond.	Fence, with rear of station beyond.
Views from Street	Matches existing condition with opening in fence for entrance.	New station entrance framed by reconfigured fence.





Osgoode Station Rendering Fence Option #1): Osgoode Hall (Northeast Corner)

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

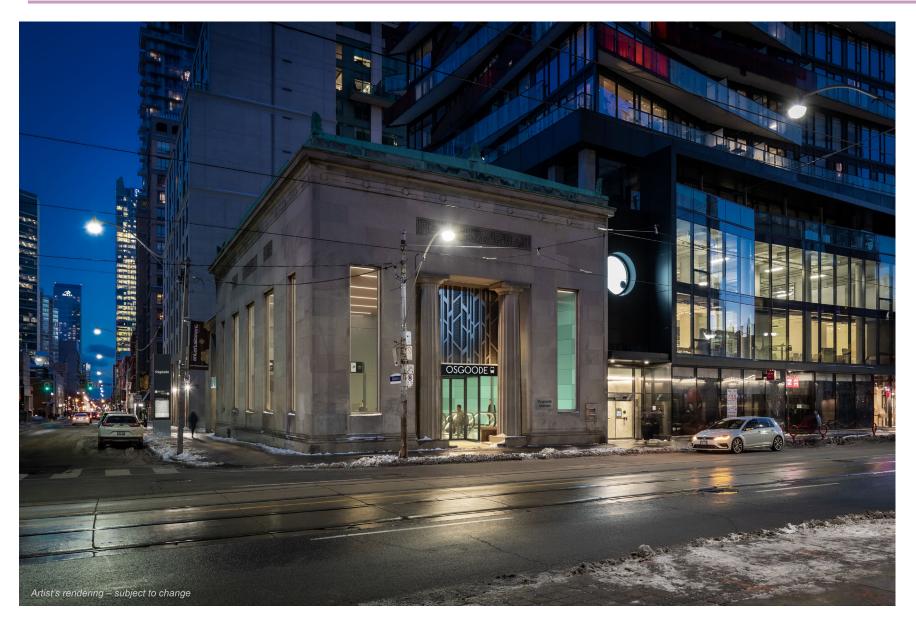
Note: Initial artist's rendering - designs subject to change.



Osgoode Station Rendering Fence Option #2): Osgoode Hall (Northeast Corner)

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

Note: Initial artist's rendering - designs subject to change.



Osgoode Station Rendering: Southwest Corner

Future Ontario Line station building on the southwest corner of Queen Street West and Simcoe Street (Osgoode), incorporating the historic façade of the current building at 205 Queen Street West.

Note: Initial artist's rendering - designs subject to change.



Upcoming Field Works and Contracts

Queen - Osgoode Advanced Works | August 2022 to October 2023

Queen Street West

Scope of Work:

- Relocate existing underground sewer, watermains, hydro, gas and telecommunication systems to clear Station excavation area on Queen.
- A utility corridor within the north sidewalk of Queen Street west will accommodate the underground utility relocations required on Queen Street West.
- Relocate existing underground sewer, watermains and telecommunication systems to clear Station excavation area on James Street.
- Curb, ramp, crosswalk, sign & signal modifications on Albert Street

Queen Street East

Scope of Work:

- Relocate existing underground sewer, watermains, hydro and telecommunications systems to clear Station excavation area on Queen.
- A utility corridor within the north sidewalk of Queen Street west will accommodate the underground utility relocations required on Queen Street West.

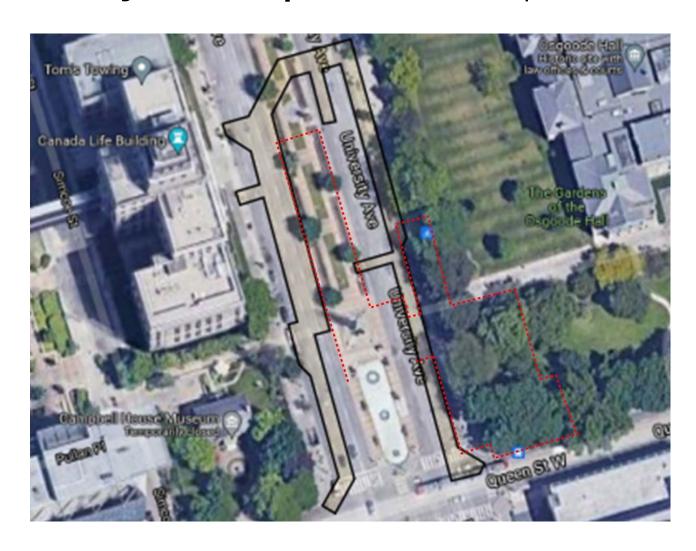
University Avenue

Scope of Work:

 Relocate existing underground sewer, watermains, hydro, gas and telecommunication systems to clear Station excavation area.



University Avenue | Street-level Impacts



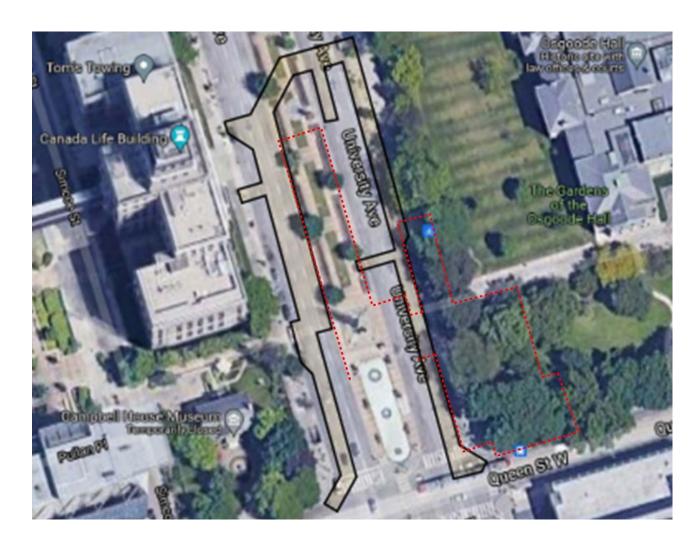


Station Support of
Excavation by South Civil
Project Co.

Summary:

- Work to be completed in stages.
- Pedestrian access maintained at all times.
- Relocate water, sewer, gas to clear the support of excavation.
- Northbound University Avenue lane shifts/closures starting at Adelaide Street and narrowing down to one lane north of Queen Street.

University Avenue | Street-level Impacts (cont.)





Station Support of
Excavation by South Civil
Project Co.

Summary (cont.):

- University Avenue median southbound/northbound U-turn restrictions north of Queen Street.
- Southbound University Avenue lane shifts/closures starting south of Armoury, ending at Queen Street.
- Construction through the University Avenue median. Area will be closed to pedestrians.

Upcoming Field works

1. Noise and Vibration

- In June/July, there will be the installation of noise and vibration monitoring equipment on site to perform noise & vibration studies
- The Metrolinx Property Acquisition Team been coordinating this work closely with IO/LSO for the past few months

2. Preliminary archaeological investigation

- Scheduled to commence in August on the LSO property
- Pending the initial findings of any archeological artifacts, this work may get extended up to April 2023

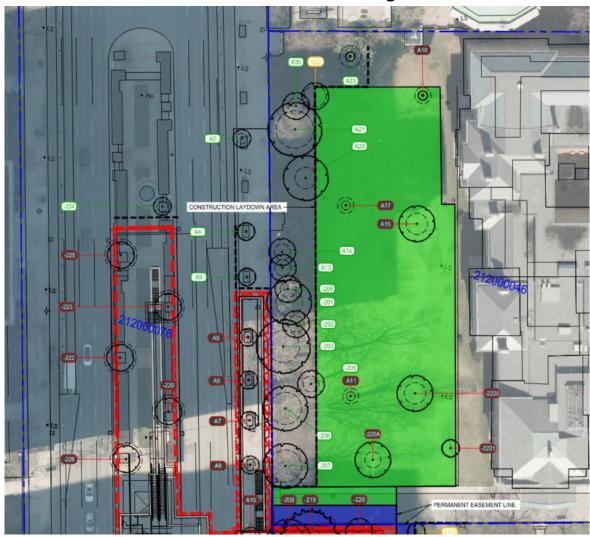
3. Utility relocations

- Pending City permits
- Mobilization of the advance works contractor and utility work could start in October 2022

4. Tree removals

- Street tree removals required for utility relocations tentatively scheduled to begin Fall 2022
- Remaining tree removals to be undertaken by South Civils ProjectCo. Schedule will be known after Financial Close in Fall 2022.

Tree Protection Plan - Laydown Area and University Ave



Legend

Existing Deciduous Tree

Existing Coniferous Tree

Minimum Tree Protection Zone

Tree to be Retained and Protected Identification Tag

Tree to be Retained and Protected, Reduced TPZ

Tree to be Removed Identification Tag

Proposed Tree Protection Fencing

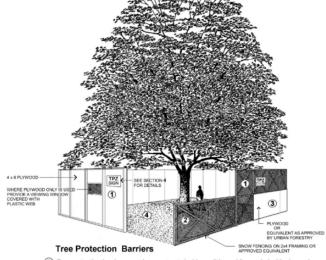
Proposed Easement Area

Acquired Parcel Boundary

Construction Laydown Area

Support of Excavation Extents

Parcel Boundary



 Tree protection barriers must be constructed with a solid wood frame clad with plywood or approved equivalent. Height of hoarding may be less than 8 ft. to accomodate any branches that may be lower.

2 Tree protection barriers for trees situated on the City road allowance where visibility must be maintained can be 1.2m (4ft.) high and consist of orange plastic web snow fencing on a wood frame made of 2 x 4s.

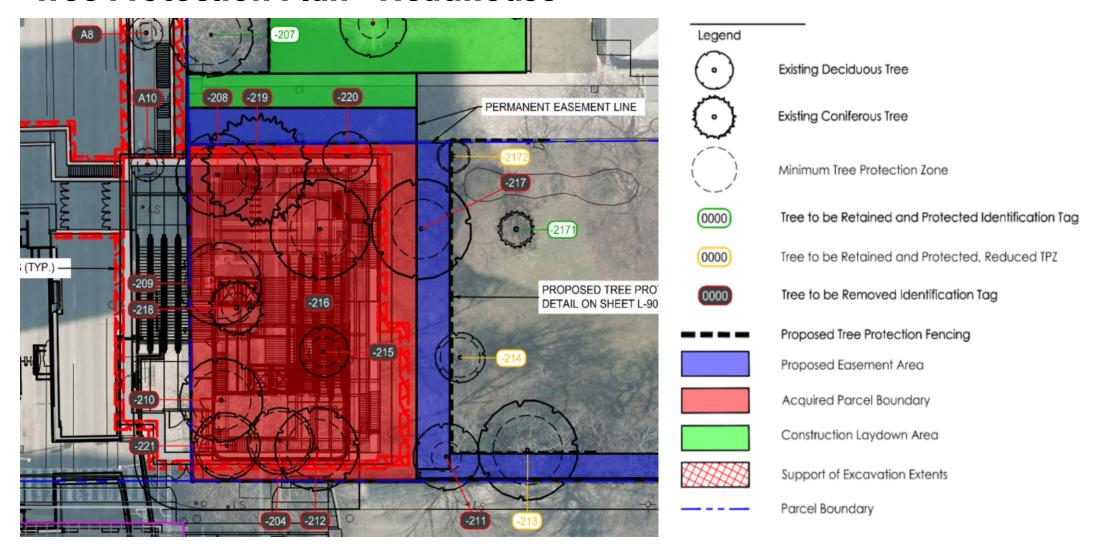
(3) Where some excavate or fill has to be temporarily located near a tree protection barrier,

No construction activity, grade changes, surface treatment or excavations of any kind is permitted within the Tree Protection Zone.

Source: Osgoode Tree Protection Plan, June 2022, Drawing L-900



Tree Protection Plan - Headhouse



Source: Osgoode Tree Protection Plan, June 2022, Drawing L-900

★ METROLINX



Community Engagement

How We Engage and Work with Communities

- Establishing Community Liaison Committees across the project
- Door knocking (canvassing) residences and businesses
- Hosting community pop-ups
- In-person and virtual meetings
- Distributing a weekly Ontario Line e-newsletter
- Sharing construction notices for upcoming work, and:
 - o Establishing a 24/7 hotline during construction
 - Engaging on accessibility (Accessibility Advisory Panel for Transportation Services (City of Toronto) and Advisory Committee on Accessible Transit (TTC))
- Updating the project website regularly
- Engaging on social media (Ontario Line Facebook and Twitter accounts)
- Accompanying Metrolinx News articles for project milestones
- Community Office at 770 Queen Street East



Stay connected: Visit Metrolinx.com/OntarioLine and sign up for our Ontario Line e-newsletter

Question or comments:

- OntarioLine@metrolinx.com
- 416-202-5100

Follow us: Twitter / Facebook @OntarioLine

This is Exhibit "O" referred to in the Affidavit of Diana Miles, affirmed February 7th, 2023, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Commissioner for Taking Affidavits (or as may be)

Mannu Chowdhury

From: <u>Batner, Sarit E.</u>

Sent: Saturday, February 4, 2023 9:25 AM

To: <u>Michael Fenrick; Linda Rothstein</u>

Cc: <u>Mannu Chowdhury; Shaw, Byron; Rogers, Sam; Greenaway, Bonnie</u>

Subject: RE: [EXT] Re: Metrolinx and LSO

Hi Michael. Our client is lawfully proceeding, with Ministerial permission granted almost two years ago. Your client chose the timing of its injunction and you chose the timing of this 10am case conference, knowing the timing of the tree cutting was to be this morning.

There is no basis to impose an interim injunction.

I was surprised we did not hear from you before receiving a copy of your injunction. I still have not heard from Linda further to my email asking about a schedule.

Best, Sarit



Sarit Batner

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----Original Message-----

From: Michael.Fenrick@paliareroland.com < Michael.Fenrick@paliareroland.com >

Sent: Saturday, February 04, 2023 9:21 AM

To: Batner, Sarit E. <<u>SBATNER@MCCARTHY.CA</u>>; <u>Linda.Rothstein@paliareroland.com</u>

Cc: mannu.chowdhury@paliareroland.com; Shaw, Byron
bdshaw@mccarthy.ca>; Rogers, Sam

<<u>sbrogers@mccarthy.ca</u>>; Greenaway, Bonnie <<u>BGREENAWAY@mccarthy.ca</u>>

Subject: [EXT] Re: Metrolinx and LSO

We hear they have started to cut the trees. Cease and desist until after the case conference.

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url=https%3A%2F%2Faka.ms%2Fo0ukef&data=05%7C01%7CSBATNER%40mccarthy.ca%7Cc88e94
11900f43cac01808db06bb19b5%7Cf24697e9ab2e463e89aa39af94aac362%7C1%7C0%7C638111
172877971949%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI
6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=VpTOIHvL98TSgib176c9MS%2B5Ce69
XPj1ij3Xi1YdCOE%3D&reserved=0>

From: Batner, Sarit E. <SBATNER@MCCARTHY.CA>

Sent: Saturday, February 4, 2023 8:08:11 AM

Sam Rogers (he/him)

To: Linda Rothstein < Linda.Rothstein@paliareroland.com >

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Court File No. CV-23-00694198-0000

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-and- **METROLINX** Respondent

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-and-

METROLINX Respondent

ONTARIO SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT TORONTO

APPLICATION RECORD VOLUME 2 OF 2

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